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Political Theory

by Eddy Asirvatham, Ph.D.

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at various universities in India and U.S.A.*

Tenth edition edited by

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EDITOR'S FOREWORD TO THE TENTH EDITION

Dr. Eddy Asirvatham was a liberal scholar belonging to the Idealist school of T.H. Green and Bosanquet. His work on Political Theory became a classic in Indian political literature, which was consulted by a large number of students and teachers all over India. The first edition of *Political Theory* appeared in 1936 and though it was revised on several occasions, yet its basic structure and ideological approach remained unaltered.

While editing this scholarly work, I have added new material for practically every chapter and contributed a new chapter on Political Philosophy of Laski. New matter has been added on the Nature of Politics as a Social Science, Socio-economic Basis of the State, the Sphere of State Activity, Theories of Rights and Particular Rights, Sovereignty and Pluralism, Classification of States, The Role of Law, Democracy, Liberalism, Socialism, Communism, Fascism, Nationalism, Internationalism and Imperialism.

In order to limit the size of the book, those portions of the earlier edition, which were no longer relevant or useful, have been omitted. In the process of editing, about one-third of the total content of the book has been altered and written afresh. As regards the new approach adopted in the book, I may indicate it by quoting the following words of Laski : "The idealist theory of the state in its famous formulation by Bosanquet remains a formulation of a conceptual state *in posse* rather than of the states we know. The liberal and anti-idealist view, as expressed by L. T. Hobhouse, assumes, but does not prove, that, given time, reason will always be victorious in matters of social conflict. Neither Bosanquet's view, nor that of Hobhouse, fulfils the scientific canon of prediction. Broadly speaking, the Marxian theory of the state has so defined its nature and functioning as to enable us to predict with assurance the course its operations will follow. As an index to the problems of our age it decisively, in my judgment, holds the field." (*A Grammar of Politics*, p. v).

In Delhi University, as in other Indian universities, *A Grammar of Politics* has been used for a long time as one of the standard texts. By incorporating the main themes of Laski's well-known works in the new edition, I have made this book even more useful for students who found it a little difficult to follow Laski's original work.

Without underestimating the contribution of the Behaviourist School in Political Science, I would like to agree with Dr. Asirvatham in rejecting the attitude of those behaviourists, who "today place undue emphasis on methods, techniques and skills, almost to the exclusion of first principles and value judgments."

K. K. Misra

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Delhi-7

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EXPLANATORY NOTE

The first figure in parenthesis in the body of the book refers to the serial number of the book listed in the bibliography and the second figure refers to the page of the book.

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1

THE NATURE, SCOPE AND METHODS OF POLITICAL SCIENCE

POLITICAL SCIENCE is a science which deals with the State and government. In its classical form, Western political thought had its origin in the city-states of ancient Greece. The oriental peoples had speculated on the State and its problems even before the time of the Greeks. But they did not develop political science in its pure and systematic form. It was mixed up with a great deal of mythology and superstition. Religion and politics were so closely intertwined that no attempt was made to develop an independent science of politics. The social sciences were treated as a branch of theology. The task of separating politics from religion, superstition, and mythology first fell to the lot of the Greeks. Thus it was that the Greeks were the first people to develop political science in its pure and systematic form.

Early Hindu thought has much to say on kingship, village republics, organization of government, and the duties of rulers and subjects. All of this, however, does not produce a comprehensive political theory. Confucius of China and Kautilya of India seem to have been more concerned with the art of government than with the theory of the State.

TERMINOLOGY AND SCOPE

A difficulty which confronts us at the very outset in undertaking a study of political science concerns the precise meaning of such terms as politics, political science and comparative government. We cannot hope to go very far in understanding problems pertaining to the State unless we make clear to ourselves what these terms mean. Although political science has its roots in the Greek past, it is in its modern form a comparatively new science. Consequently, it has not yet acquired a definite terminology of its own. In France and Germany, however, it seems to have attained a greater degree of perfection than in the Anglo-Saxon countries.

Earlier writers on the subject simply use the term politics in describing the entire science of the State. Aristotle's celebrated treatise has for its title the simple name *Politics*.

1. *Politics* The term politics is derived from the Greek words *polis* or 'city state' and *politeia*. In the Greek view, politics embraces everything that touches the life of the State. Used in that sense it is the equivalent of political science. Writers of an earlier generation like Jellinek, Holtzendorff, and Sidgwick prefer the term politics to political science which is in current use today. Among modern writers there is a distinct aversion to using the term politics in its wide sense to cover a study of the phenomena relating to the State and government. Politics, as ordinarily used today, refers either : (1) to practical politics, as meaning 'the art of controlling a party and securing the nomination and election or the appointment of particular persons to office' or (2) to the art of government, the art of directing or guiding the policy of the government towards a particular goal.

In the former sense, it includes such details as the organisation of political parties, the setting up of candidates, the winning (or losing) of elections, the favouring of the party-men by the distribution of public offices among them and the like.

From the practical point of view, politics is sometimes defined as the technique of compromise. Politics is the game of the second best. Even the staunchest of idealists have had to adjust themselves to hard facts, practical realities, and popular prejudices. Bismarck defined politics as 'the art of the possible'.

Sir Frederick Pollock, using the term politics in its broad sense, divides it into theoretical politics and practical or applied politics. Under the first head he includes:

- (a) the theory of the State,
- (b) the theory of government,
- (c) the theory of legislation, and
- (d) the theory of the State as an artificial person.

Under the second division he includes:

- (a) the State (actual forms of government),
- (b) the government (the working of government, administration, etc.),
- (c) laws and legislation (procedure, courts, etc.), and
- (d) the State personified (diplomacy, peace, war and international dealings).

Sir Ernest Benn humorously defines politics as 'the art of looking for trouble, finding it whether it exists or not, diagnosing it wrongly, and applying the wrong remedy'.

Theoretical politics deals with the basic problems of the State, without concerning itself with the activities of any particular government or the means by which the ends of any particular State are attained. Practical politics, on the other hand, deals with the actual way in which governments work out the various institutions comprising political life (28:2). It will no doubt be generally agreed that this is both a useful and convenient distinction, but many would prefer the term political science to politics in the present context.

The term political science in its current usage is much more comprehensive than the term politics. It connotes the whole range of knowledge regarding the State and embraces the theory of the State. It includes both theoretical politics and practical or applied politics. On the theoretical side, it is concerned with questions like the nature, origin, purpose and justification of the State and is known as the theory of the State or political philosophy. On the practical side, it is concerned with the structure, functions, and forms of political institutions, and is known as comparative politics or constitutional government. A succinct definition of political science is given by Paul Janet, a distinguished French writer, who says that political science is 'that part of social science which treats of the foundations of the State and the principles of government'. According to Gettell, political science is 'a historical investigation of what the State has been, an analytical study of what the State is, and a politico-ethical discussion of what the State should be (24:4)'. Sidgwick writes that in our study of political science, as distinguished from a study of political philosophy, we are concerned with various types, but not necessarily with the ideal type or with models. Political science looks out for resemblances and differences, for arrangement and classification, for cause and effect.

The three major branches of political science today seem to be (i) political science proper; (ii) public administration; and (iii) international relations. While the latter two are really branches of political science, on account of their great importance in the modern world, there is an increasing tendency to give them an almost independent status. Public administration in turn is divided into such parts as personnel administration, social administration, and adminis-

tration of local self-governing units, etc. International relations likewise includes theory or theories of international relations, international organization, and diplomacy. Since international relations cover the entire world, students today specialize in regional studies, such as those relating to South East Asia, West Asia etc. In studying diplomacy one studies not only the theory and practice of diplomacy but also its history.

Political philosophy is another term which gives rise to confused thinking in studying the phenomenon of the State. To some English political thinkers, political philosophy is the major portion of political science, political philosophy being that part of philosophy which deals with the State which is a part of the universe with which philosophy proper is concerned. This view evolves from the belief that philosophy, being the unifier of all knowledge, should regard the study of the State as one of its sub-divisions. This point of view is not tenable, because the modern age of specialization calls not so much for a synthesis of all knowledge as for an analysis of it. Progress in political thinking, just as much as in other fields of thought, calls for specialization and delimitation of the various fields.

J. H. Hallowell rightly says that political philosophy is not concerned so much with political institutions as with the ideas and aspirations that are embodied in institutions. In his own words, 'It is not so much interested in how things occur as it is in what occurs and why (31:9).'

The distinction between political science (*Staatwissenschaft*) and political theory or political philosophy (*Staatslehre* or *Staatsphilosophie*) is generally observed by Continental writers, though it is difficult to point to the exact line of demarcation. Political science, as we use the term today, is broader in scope than political philosophy and carries with it a greater precision of meaning. 'Political philosophy deals with the fundamental problems of the nature of the State, citizenship, questions of duty and right, and political ideals (28:31).' 'It is in a sense prior to political science, for the fundamental assumptions of the former are a basis to the latter (28:31).' Nevertheless, if political philosophy is not to become vague and imaginative, it must use the material supplied by political science. Political theory and objective political conditions act and react upon one another.

The 'theory of the State' is in many ways preferable to the term

political philosophy, although the subject-matter of both is much the same. Political philosophy tends to suggest something abstract and speculative, but the theory of the State, or political theory, is much clearer and its boundaries are better marked. It is not a study of the structure of the forms of government nor a comparison of the various forms of government. These are dealt with in that branch of political science known as comparative government. The theory of the State, like-wise, is not a study of the historical development of the State or of law. Nor is it an attempt to discover the ideal State. Neither is it a study of the art of governing or of administration. It no doubt presupposes some knowledge of all these things as a necessary pre-requisite. But it is not concerned with the structure and activities of any one State. It deals with the essentials of the State and is based upon a study of the State both as it is and as it has been.

✓ An important division of political science is a comparative study of constitutions. Writers from Aristotle to Herman Finer have attempted this task in a masterly way. Constitutions are studied one by one or in comparison with each other. Under the latter heading we may study the executive, the legislature, the judiciary, and the civil service of different countries in a comparative way; and in so doing we may even evolve a theory or theories of constitutions and government. Likewise, it is possible to evolve a theory or theories of legislation from a comparative study of legislation in many lands. A study of constitutional law is assuming a greater and greater importance in present-day study of political science.

Prof. Goodnow claims that political science divides itself into three distinct parts, *viz.*

- (1) the expression of the State will;
- (2) the content of the State will as expressed; and
- (3) the execution of the State will.

The first division includes political theory and the network of extra-legal customs and extra-legal organizations which influence the political system of a country. The second is, in effect, a synonym for law. The third deals with the ascertainment and application of the correct principles of administration.

Suffice it to say that Prof. Goodnow conceives the scope of political science rather narrowly. His description does not seem to

include such questions as the nature and characteristics of the State and the relation between authority and obligation.

VALUE OF A STUDY OF POLITICAL THOUGHT

There is a disposition in some quarters today to minimize the value of a study of political theory as being an abstract and a barren subject. This underestimation comes about largely because of the habit of laughing at all theory, a habit which seems to be a feature of the matter-of-fact, mechanical, and industrialized society of today. Ivor Brown rightly says, 'Sensibly handled with a commonsense attitude to the real value of social life, it (political theory) is both a concrete and a fruitful study.'

Prof. Gettell carefully sums up the arguments for and against a study of political thought, which will be stated here as briefly as possible. It is often said that political theory has little relation to reality, that it cannot be applied in practice, that it deals with legal fictions and absolute concepts, that it is inexact, that it is incapable of giving definite answers to disputed questions and that it is sometimes disastrous to actual politics. The opponents of political theory might very well use the aphorism of Emerson that there is 'nothing new, nothing true and nothing matters'.

To counteract the above charges, certain values of a study of political theory may be enumerated. It gives precision and definiteness to the meaning of political terms. It is conducive to clarity and honesty of thought. It is an aid to the interpretation of history. A knowledge of past political thought is an invaluable help in understanding present-day politics and international relations. Constructive political progress rests upon a sound and comprehensive political theory, applicable to present-day conditions and needs. Political thought represents a high type of intellectual achievement. Finally, if governments can be shaped and improved by human ingenuity, no study is more valuable than a study of political theory. Political theory is thus intensely practical and intensely important. It is the abstract treatment of a concrete subject.

The charge that political theory is too far removed from actual conditions is not true. What is needed is accurate definition and close analysis. Wise statesmanship requires more than mere hazy and often conflicting intuitions. It requires a sound philosophy or a scheme of moral values, and that is exactly what political theory endeavours to

give. Statesmanship is essentially a moral task. That some political theorists have been mere pedants is no reason for condemning political theory wholesale. By its very nature political theory cannot always give clear-cut answers. While it may not lead to unity in political discussion, it will be at least an aid to mutual respect and toleration. If it is true that where there is practice, there should be theory also, a study of political theory is invaluable to political practice.

A study of political theory is especially valuable to students in India because of the philosophical background of the people. It is not to be viewed as a mere abstract and speculative study. It is a theoretical study of a practical and concrete subject. While a mere study of political theory cannot make one a successful politician, it can give him a clarity of ideas and sanity of outlook in the practical world.

In India there is an urgent need to graft the valuable political ideas of the entire world to the ancient tree of Indian tradition and culture. In so doing we may revive and revitalize such ancient concepts as *dharma*, *ahimsa*, and *asanga*, and put a new meaning into them and provide them with new workable sanctions.

POLITICAL SCIENCE AND ITS RELATION TO ALLIED SCIENCES

Political science does not stand alone, since it is not the only science which concerns itself with man in organized society. Being one of the many sciences dealing with the relations of man to man, it has its close connections with other social sciences. Thus Paul Janet remarks that political science is 'closely connected with political economy or the science of wealth; with law, either natural or positive, which occupies itself principally with the relations of citizens to one another; with history, which furnishes the facts of which it has need; with philosophy, and especially with morals, which gives to it a part of its principles (23:29).'

Political science and history are very intimately connected. The relation between the two is well brought out in the sentence: 'history is past politics, politics present 1. Political history'. As Seeley puts it: 'History without political Science and science has no fruit. Political science without history History has no root'. To quote the same writer again: 'Politics are vulgar when not liberalised by history, and history fades

into mere literature when it loses sight of its relation to politics.¹ History provides the raw material for political science. According to Seeley, political science and history will ultimately become identical with one another. But this seems improbable, if not impossible. Though both sciences are interdependent and mutually complementary, there are some fundamental differences between them.

(a) *In Their Method of Treatment.* History, being narrative, deals with facts in their chronological order, whereas political science selects only such events as relate to political evolution. The method of political science is reflective. Using the material provided by history, it seeks to discover general laws and principles.

(b) *In Scope.* History is more comprehensive because it deals with the economic, religious, and military aspects of the social life, whereas political science is not interested in them except in so far as they throw some light on the nature of the State and the development of political control.

(c) *In Their End.* History is much less philosophical than political science. History deals with concrete facts and political science deals with ideals and abstract types. Political science deals with the State as it ought to be; history deals with the State as it is and has been.

The conclusion, then, is that political science must make use of history only to transcend it. The historian's task is not to pass moral judgments¹, but the political scientist is bound to make such judgments. It is there that political science joins hands with ethics and parts company with economics and sociology.

Lord Bryce claims that 'political science stands midway between history and politics, between the past and the present. It has drawn its materials from the one, it has to apply them to the other.'

To give some concrete illustrations, we cannot understand the constitution which governs India today without a knowledge of all the previous efforts at constitution-making since at least 1908-1909; nor the present-day passion for *panchayat raj* without relating it to its roots in the dim past.

Political science and economics are very closely related. They exert considerable influence on each other and cover a common ground to a large extent. Production and distribution of wealth are affected by the regulations of the State. All economic activity is

1. In the words of Sidgwick, history cannot determine the ultimate end and standard of good and bad, right and wrong, in political institutions.

carried on within the State on conditions laid down by the State through laws. Political movements, on the other hand, are profoundly influenced by economic causes. Our economic life is conditioned by political institutions and ideas. Some of the important questions of present-day politics are at the same time questions which vitally concern economics; e.g., questions relating to tariff laws, labour legislation, national planning, and government ownership. The relation between the two sciences is so great that a century ago scientific writers regarded economics as a branch of political science, and the subject itself was described as political economy. As late as the eighteenth century, political economy was regarded as 'a branch of statesmanship'.

2. *Political
Science and
Economics*

Although the two sciences are closely related, there are still some fundamental differences between them. Commenting upon the question, Ivor Brown remarks that economics is concerned with things, while political science is concerned with people; one deals with prices and the other with values. If economics is concerned with people, it is not with people as ends in themselves, but only in relation to the things they make, sell, and use. Political science also takes things into account, but this it does only in relation to human or moral values. Thus it is that political science easily becomes a normative science, while economics remains a descriptive science. As someone has humorously remarked, an economist is one who knows the price of everything, but the value of nothing.

In present-day India students of both political science and economics are vitally concerned with such matters as our various five year plans, the socialistic pattern of society and the community development projects.

It is a welcome sign of the times that economics is becoming more and more a normative science, concerning itself not merely with the production of wealth, but also with its just distribution. At the same time it is the boast of economics that it is becoming more and more of a science than political science with the help of mathematics and statistics. It is obvious, however, that neither political science nor economics can attain exact mathematical accuracy.

What philosophy is to the mental sciences, sociology is to the social sciences. Both of them aim at a unification of the subject-matter which belongs to the several allied subjects. Thus both possess an all-embracing character. Political science is narrower than

sociology and is, in a general sense, a sub-division of sociology. Sociology is the fundamental social science. The field covered by

sociology is so vast that present-day writers prefer to limit it to the study of certain phases of the life of society, other than for its political aspects. Prof. Giddings remarks that "to teach the theory of the state to men who have not learned the first principles of sociology, is like teaching astronomy or thermodynamics to men who have not learned the Newtonian laws of motion." (108 : 37)

Sociology in its widest significance denotes a study of society in all its manifestations, whereas political science is only a study of the State and government. Putting the same thought in other words, we may say that while sociology deals with man in all his social relations, political science deals with man in his political relations alone. This may not be true of the State in its early stages but it is emphatically true of the modern State. In its early stages, the State was more a social than a political institution. In the words of Gilchrist, 'Sociology is the science of society; political science is the science of the State, or political society. Sociology studies man as a social being, and as political organization is a special kind of social organization, political science is a more specialized science than sociology'. Or, as Kranenburg states, 'while sociology examines the formation and operation of groups as such, political theory focuses its attention on a special group, namely the State.'

Sociology deals not only with organized communities but also with unorganized communities. The concern of political science is only the former. It deals only with societies which have received the impress of political organization. Thus it is later in origin than sociology.

Sociology deals with the legal and coercive relationships of man with his fellows as well as with the evolution of customs, manners, religion, and economic life. Political science deals only with the former.

Unlike political science which treats only of the conscious activities of man, sociology treats of unconscious social activities as well.

Political science starts with the assumption that man is a political being. Sociology goes behind this assumption and seeks to explain how and why man became a political animal.

Sociology is concerned with what has happened or does happen,

and not with what ought to happen. Political science, at least in one of its aspects, is concerned with what ought to be done¹.

Social conditions in India provide a rich mine of information for the political thinker. In creating a better India, the political scientist may have various ideas and ideals, but whether they are capable of being realized or not will, to a certain extent, depend upon our social institutions and social customs and *mores*. Up till recently at least the joint family system, the stronghold of caste, and various practices relating to marriage, property and inheritance had an adverse effect upon progressive ideas in politics.

Political science is the science of the political order and ethics is the science of the moral order. Both have to deal with questions of right and wrong. The relation between the two is so close that Plato considered politics a subdivision of ethics. The State, he believed, should train men in a life of virtue. The capital advance made by Aristotle upon Plato is said to be his separation of ethics and politics. But this separation turns out to be one of methodology rather than of substance. Aristotle, too, posits a close relation between ethics and politics and allows political questions to be influenced by man's highest moral judgment. The end of the State is, according to him, good life or a community of well-being. Machiavelli is the first writer of any note in the Western world sharply to separate politics from ethics. To him, religion and morality are not the masters of the State, not even safe guides, but useful servants and agents.

The idealist view is, on the whole, in favour of maintaining a close relation between ethics and political science². Lord Acton goes so far as to say: 'The great question is to discover, not what governments prescribe, but what they ought to prescribe.' Another writer holds that to separate ethics and politics is disastrous to both. Politics divorced from ethics rests on a foundation of shifting sand; ethics divorced from politics is narrow and abstract; it leads to the commercialization and vulgarization of values. Ivor Brown maintains that the difference between politics and ethics is one of quantity, not of

1. Taking the opposite point of view, Heymans, quoted by Kranenburg, writes: "The objection that sociology can offer us nothing but bare facts, instead of ideals, and uniformities instead of values, can be answered in a single sentence: 'Not so; the ideals in fact live and act uniformly within us'."

2. According to Foy, if a thing is morally wrong, it can never be politically right. This, however, is not the usual view.

quality; for 'politics is but ethics writ large'. He goes on to say: 'Ethical theory is incomplete without political theory, because man is an associated creature and cannot live fully in isolation; political theory is idle without ethical theory, because its study and its result depend fundamentally on our scheme of moral values, our conceptions of right and wrong.'

A lasting contribution of Mahatma Gandhi to politics is his insistence upon the spiritualization of politics, *i.e.*, the application of such spiritual and moral principles as truth, love, non-violence, non-attachment, and self-suffering to man's social life.

The ultimate justification of the State is determined by the moral end or purpose which the State serves. Thus the ideals of both ethics and political science must be in agreement. Yet the bulk of the material with which the two sciences deal is distinct. Catlin contends that from ethics the statesman may learn which courses among several are desirable and from political science he may learn which among several may be feasible.

Psychology, as we know it today, is a comparatively new science and its advocates are trying to apply psychological methods to every part of man's individual and social life. E. Barker

5. *Political Science and Psychology* aptly remarks: 'The application of the psychological clue to the riddles of human activity has indeed become the fashion of the day. If our fathers thought biologically, we think psychologically.' There can

be little doubt that the psychological approach to politics upon which much insistence is placed these days is very valuable. It may be that politics has been too long under the sway of philosophy and has not given enough attention to the facts of human behaviour. We need 'to reinvigorate our minds from the wells of direct observation.' We cannot go very far in our study of political science without understanding the way in which human beings behave as individuals and as members of society when subjected to various kinds of stimuli. We need to study such factors as habit and instinct, imitation and suggestion, if we are to understand human behaviour aright. 'Government to be stable and really popular must reflect and express the mental ideas and moral sentiments of those who are subject to its authority; in short, it must be in harmony with what Le Bon calls the "mental constitution of the race (22:38)".'

At the same time it is necessary to remember that it is easy to exaggerate the importance of psychology to political science. E.

Barker, clearly brings out the limitations of the psychological method as follows:

(1) The psychologist does not and cannot deal in terms of value. Values belong to the moralist. Psychology deals with things as they are; ethics with things as they ought to be. Therefore, political theory should look to ethics rather than to psychology for constructive help.

(2) Psychology seeks to explain civilized life in terms of savage instinct—the higher by the lower. This does not seem to be the correct evolutionary method. The right procedure would be to explain the lower by the higher. Man explains the monkey, and not monkey the man. It is illogical to explain civilized life by the conditions of life in pre-historic times. Reason is none the less reason when it is not conscious inference. Habit and instinct, suggestion and imitation exist, but they exist in connection with intelligence. Because a thing is primitive, it does not mean that it is final.

In spite of these limitations, a study of psychology, particularly of social psychology, is of inestimable value to the student of political science. It shows him clearly that men in general are not moved as much by ideas and ideals, by theories and the logic of facts as by their preconceived notions, habits and dispositions, and their fears and prejudices. Man is more sub-rational and irrational than rational. L. Lipson argues that "while political science must embrace a theory of what the state ought to be, the latter (ethics) must respect the limits of the possible".

The State is both a social phenomenon and a legal institution and any attempt to explain the State in its entirety must include both these points of view. From the legal standpoint, the State is a person in the sense that it is subject of rights and duties. It can sue and be sued in a law court. Or, to put it in the form of a definition, it is 'a corporation composed of men domiciled upon a particular territory and endowed with original ruling power (19)'.

Jurisprudence may be defined as the science of law. Although, strictly speaking, a subdivision of political science, it is, owing to the vastness of its scope and its technical nature, studied as a separate branch of study.

Constitutional law defines the organs of the State, their relations to one another, and the relations of the State to the individual. International law regulates the relations of states to one another.

Stoicism and Roman jurisprudence have made much contribu-

tion to the development of Western law. Hallowell observes that the universal brotherhood of man and the universal law of reason are the principal contributions of Stoicism to Western civilization.

It is no accident that lawyers in India have made a great contribution to the development of political institutions and the freedom movement in India. A study of law in some of its phases is indispensable to a student of constitutions and public administration. The function of legislators is primarily one of law-making; and that calls for more than a nodding acquaintance with the intricacies of law. Such concepts as fundamental rights and directive principles of state policy impinge as much on law as do ethics and politics.

Man is, to a considerable extent, influenced by his physical environment and the geographical conditions under which he lives. It is easy to exaggerate the influence of the climate, topography, and physical features of a country upon the character, institutions and accomplishments of a people. While these external factors play an important part in man's life, it is necessary to remember that civilized man is not a passive tool of Nature. Like the lower animals, he does not blindly allow himself to be adapted to nature. By the use of intelligence and forethought he adapts nature to his purposes.

After making due allowance for exaggeration, it remains undoubtedly true that geographical conditions have influenced in considerable measure the determination of national policies and to some extent the character of political institutions (23:42-66). At the same time we are safe in saying that geography is a much less important factor in moulding social and political institutions today than it was in earlier times.

An emerging science known as 'Geopolitics' is of a great value today, even though it was prostituted to low ends by certain German scholars. It was made to do service to Nazi aggression. Rightly understood, it means that mountains, great rivers, and oceans have more to do with theories of State action, international relations, and the like than beautiful theories of the State written from an armchair. A good illustration of the importance of 'Geopolitics' is the way in which Canada and the U. S. A. have harnessed the waters of St. Lawrence for the material benefit of both. As a result of it, ocean-going steamers can now go right up to Chicago, more than 1400 kilometers away from the Atlantic sea border. The Atlantic and Pacific Oceans

and the Himalayas are not the insuperable barriers which they were once thought to be.

IS POLITICAL SCIENCE A SCIENCE?

It is admitted by all writers that political science is an inexact science. It does not aim at absolute truth. It aims at relative truth. Consequently there is bound to be difference of opinion with regard to almost all political questions. What is sound politically today may not be sound a hundred years hence. Therefore, no theory of the State can be considered as ultimate truth.

Because of these limitations some thinkers even refuse to give the name 'science' to a study of political theory. For example, F. W. Maitland writes : "When I see a good set of examination questions headed by the words 'political science' I regret not the questions but the title" (Collected Papers, Vol. III p. 302). It is true that political science is not exact like mathematics, physics or chemistry. Two plus two makes four everywhere in the world except in a lunatic asylum. Two parts of hydrogen and one part of oxygen produce water whenever they chemically combine. These are universal and unvarying laws. But such laws we do not find in studying social sciences owing to the variability of human behaviour. It is difficult, if not impossible, to draw precise conclusions from political phenomena or to make exact forecast about the future. Still, by a close and prolonged observation of political phenomena we can arrive at general laws and principles which can be of real help to us in solving the practical problems of government.

We cannot experiment with human society or the political order in the way in which a scientist can experiment with physical or chemical substances. President Lowell considered politics 'an observational and not an experimental science'. We cannot at will introduce democracy in one state and aristocracy in another in order to study the effects of these respective forms of government. Physical phenomena and social phenomena differ fundamentally. Nevertheless, every law passed is an experiment, and a careful student can arrive at general conclusions based on particular phenomena. A study of political theory, thus, does not enable us to reach conclusions with mathematical precision. However, it can help us to discover probable truths, and 'probability,' as Samuel Butler remarks, 'is the guide of life'. Lord Bryce considered politics to be a science in the sense

meteorology is considered a science. Sir Frederick Pollock maintained that "there is a political science in the same sense that there is a science of morals." (*History of the Science of Politics* p. 2). Garner, too, considered politics a science but "still probably the most incomplete and undeveloped of all the social sciences." (23; 1951 Indian ed: p. 13). Prediction in physics may be certain; in politics it can at best be no more than probable (7).'

METHODS OF POLITICAL SCIENCE

A great many modern thinkers have given their thought and attention to the methods by which political phenomena can be collected and classified, with a view to reaching practical results. According to Augustus Comte, the principal methods are *observation, experiment, and comparison*. Bluntschli holds that the true methods are philosophical and historical. To a great many present-day thinkers, inductive and pragmatic methods are more certain to lead to positive results in political science than deductive and dogmatic methods. The methods which are generally favoured by them are—

- (1) the experimental method,
- (2) the historical method,
- (3) the comparative method,
- (4) the method of observation, and
- (5) the philosophical method.

The first four of these methods have a great deal of similarity and so can easily be bracketed together. The fifth method belongs to a category of its own. A combination of these two types of methods alone can lead to valuable results. The inductive and deductive methods are complementary to one another.

As seen already, there is little opportunity for conscious experimentation in a field in which human beings constitute the subject. Human motives and human values cannot be weighed and tabulated like a chemical substance. Nevertheless, all laws, policies, and political systems are instituted within a necessary framework of experiment, and by studying such experiments the political scientist

1. The Experimental Method

is able to reach positive conclusions. It is his task to take note of the political events and innovations that constantly go on about him and to make deductions from them. Governments are ever trying experiments on the community. History is experimentation on a vast scale.

In the modern world, we do not rely on unconscious experimentation. We make conscious political experiments, in the light of past experience, when and where circumstances permit. Witness, for example, the grant of responsible self-government to Canada based on the Durham Report of 1839 and the transfer of complete power to India by constitutional methods. Thus there is a definite and distinct place for the experimental method in political science.

Since the termination of World War II several areas in Asia and Africa have received their independence and practically all of them operate today under more or less democratic constitutions. The careful student of political science will find a great deal of valuable source material in the constitutions and government of newly freed countries extending from Indo-China and Indonesia in South-East Asia to Ghana, Guinea, and Cameroons in Africa.

The historical method may be regarded as a form of the experimental method. A proper study of history is an invaluable aid to the student of political science. It is a corrective to hasty and one-sided conclusions in politics. The value of studying the origin, growth and development of political institutions is the fact that from such a study we can draw conclusions for future guidance. History not only explains the past; it contains the key for interpreting the future.

The historical method is mainly inductive in character. It is based on observation and the study of historical facts. Its chief limitation is that it cannot, and does not, deal in values. Hence it has to be supplemented by the philosophical or ethical method which involves ultimate ends and values. Yet indirectly the historical method does enable us to judge the goodness or badness of actions.

In using the historical method, there are certain precautions that the student will do well to take.

(a) He should guard against superficial resemblances and parallels.

(b) He should not let the present and the future be determined solely by the past. The historical method should not become a synonym for hidebound conservatism. Because a thing has been thus and so in the past, it does not follow that it should be thus and so in the present.

(c) He should avoid the temptation to make history support his preconceived notions. He should be altogether objective or scientific in his outlook.

(d) He should remember that the oft-quoted saying that history repeats itself is only a half-truth. The other half-truth is that history never repeats itself. Historical conditions never exactly reproduce themselves. 'One cannot step twice into the same river (7).'

In recent years Sir Arnold Toynbee has given the world a masterly analysis of world civilizations. He has attempted to show how civilizations rise and fall. A careful student of political science is bound to derive much value from a study of his writings. One of his generalizations is that civilizations are not murdered, but commit suicide. Another generalization is that history is to be interpreted in terms of challenge and response.

The comparative method supplements the historical method.

It goes back to the time of Aristotle and has been used effectively in recent times by De Tocqueville, Bryce, and others. A study of history is useless if we cannot make valid comparisons. The comparative method helps us to relate events, to establish causes and effects, and to arrive at general principles. It gathers together the multiplicity of phenomena, arranges them in order, and selects the elements common to them.

If this method is to be usefully employed, we must take into account not only resemblances but also differences. We are not to be in a hurry to come to conclusions. The phenomena from which the common elements are to be selected must be too different in character. Comparisons must not be pushed too far and analogies must not be far-fetched. Generalizations of a vague and broad character should be avoided. It is profitable on the whole to confine our investigations to the States which have sprung from a common historical background and which are relatively near in point of time.

A particular form of the comparative method is the analogical method. It is very useful in political science, provided analogy is not pushed to the limit of identity. To establish an analogy between two things is not to establish their identity. Analogy is not proof. It can give us probability, but not certainty.

Herbert Spencer is guilty of pushing analogy to an absurd conclusion: His conception of the organic theory of society is mechanical and even ludicrous when, for example, he compares the up and down lines of a railway to the arteries and veins of a physical organism.

Like the foregoing, the method of observation is an inductive one. President Lowell declares that "politics is an observational and not

an experimental science", and that the method of observation is the true method of investigation. A library, he says, is a laboratory of political science only in a limited sense; books for the most part being no more original sources for the "physiology of politics" than they are for geology or astronomy. "The main laboratory for the actual working of political institutions", he adds, "is not a library but the outside world of political life", and there the phenomena must be sought and observed at first hand.¹ The method of observation was followed by Lord Bryce to a very great extent. It rests upon an observation of the actual working of political institutions at close range. Before undertaking his monumental works, *The American Commonwealth* and *Modern Democracies*, Lord Bryce visited the countries concerned and based his conclusions upon personal conversations with public men and the observation of governments at work. A method like this, based as it is on direct observation and reflection, has much to commend it. It is practical and concrete and has a refreshing sense of reality about it. It is in living touch with facts and is free from the charge of being abstract and doctrinaire. None the less, it is a method which has to be used with caution. When the facts are very many and often conflicting, only a man with a trained eye and mature judgment can arrive at sound conclusions. One must have the ability to sift evidence and rightly interpret one's data. There is a danger of seeing the things that one wants to see and leaving out those things of which one chooses to be oblivious. Likewise, there is a danger of missing the wood for the trees. The first desideratum is no doubt to get at facts. But facts are of little use in and by themselves. A penetrating and understanding mind is needed to interpret them aright and to make them real and living.

To give just one illustration of the value of the method of observation, one can profitably study the operation of military dictatorships in many modern countries and come out with some useful generalizations.

Unlike the foregoing methods, the philosophical method is of a deductive or *a priori* kind. Its chief exponents are Rousseau, Mill and Sidgwick. On philosophical and ethical grounds, it first determines the nature and end or purpose of the State and then casts about

1. "The Physiology of Politics", *American Political Science Review*, Vol. IV, p. 82.

for the best forms of political institutions for the realization of this end. It begins with abstract concepts, then attempts to harmonize

5. *The Philosophical Method* them with the actual facts of history. The chief danger of this method is that it may easily become imaginative and visionary, as seen in More's *Utopia* and, to some extent, in Plato's *Republic*. It may not

have any basis whatever in historical facts and may thus sink into empty ideology. Attempts to construct an ideal type of State have engaged the attention of thinkers from the days of Greek philosophy, through the scholasticism of the Middle Ages, down to the present day.

Conclusion. Leslie Lipson says that Plato, Aristotle and Machiavelli represent three points of view in politics. Plato projects his imagination into the future and, on the basis of what he saw in Sparta and Athens, portrays a picture of an ideal State. For this reason his method is called idealistic. Aristotle is more scientific and realistic. He relies upon the wisdom of experience and bases his conclusions upon a close analysis of what he saw around him. For this reason his method is called scientific and realistic. Machiavelli, on the other hand, is brutally realistic. "His preoccupation", says Lipson, is "with the techniques that will lead to the desired goal". Questions of right and wrong do not much enter his calculations.

The careful student would seek to combine the historical and philosophical methods. He would test and correct his deductive principles by the actual facts of human experience and interpret the facts of life in the light of abstract or *a priori* principles. While his feet stand four square on solid facts, his head would soar high into the skies. He would seek to bring about a happy blend of realism and idealism. He would have no use for that type of realism which does not look much beyond one's own nose, nor for that type of idealism which loses itself in the clouds. He would follow the footsteps of men like Aristotle and Burke who combine in their writings the historical and philosophical methods.

In the light of this conclusion, it is somewhat disconcerting to find that many American writers today place undue emphasis on methods, techniques and skills, almost to the exclusion of first principles and value judgments. In Great Britain, on the other hand, as Dr. Macpherson points out, there is much "less emphasis on purely empirical research and more inclination to examine political institutions and processes from the point of view of purpose—the purpose

they serve and the purpose they ought to serve".¹ Political scientists in Britain are not much worried about new techniques. There is in that country "an appreciation of value judgments and a perceptible mistrust of purely empirica¹ research".

Even in the United States there are writers like Prof. J. H. Hallowell who rightly observe: "The social sciences are not so much in need of new research techniques as some suppose, but of convictions based upon rational principles." (13:2).

Politics as a Social Science.

Politics is an ancient art, perhaps as old as the State itself, but its development as a social science is comparatively of recent origin. However, the true character of politics as a science has not yet been decided conclusively. Politics, according to Marx, is nothing but concentrated economics. Political science, therefore, is an ideological superstructure built on economic or material foundations.

Liberals, however, do not accept this view. They either emphasise the primacy of politics over economics or assert the mutual interdependence of the two social sciences. "Nevertheless," says Sabine, "the idea of economic causation was probably the most fertile suggestion added to social studies in the nineteenth century."

Theories of politics do not refer to an external reality but are created as an essential element of the socio-economic system in which politics itself has its being. Reflection upon the goals of political behaviour and analysis of the means of achieving them constitute an intrinsic part of the entire political process. Political theory evolves along with the rise and decline of specific political systems, which, one is tempted to say, it in some degree controls. Political theory, in one sense, has always been a part of contemporary philosophy and science and an application to politics of the relevant intellectual and critical apparatus which society has evolved in a given age. In addition, it is also a reflection upon the ethical norms, legal postulates, religious precepts, governmental organisation and economic institutions of any established community of human beings in a particular epoch.

Scope of Political Analysis.

A theory of the State is also a theory of society and of the distri-

1. *American Political Science Review*, Vol. XLVIII, June 1954, p. 436.

bution of power in that society. Political science should start its analysis by identifying *three* types of social orders—feudal, capitalist and socialist—which have characterised most of the medieval and modern history of the human race.

In order to understand a political system, it is necessary to learn about the major economic and social characteristics of the society in which that political system operates. This will enable us to appreciate the pattern of economic and political power, which is to be found in that society.

On the basis of the above analysis, a political scientist can proceed towards the description of the main institutions of the political system and the social composition of the ruling class or the governing elite in that political system.

This can lead to the clarification and discussion of the purpose and role of governments in the context of the prevailing ideology of the ruling class such as feudalism, capitalism or socialism. It may elucidate the part played by the bureaucracy, the military establishment and the judicial hierarchy in consolidating a specific pattern of class power in a given political system.

Contemporary political science also examines the role of the State in the conflict and competition between different social groups such as the bourgeoisie and feudal lords in medieval society or the proletariat and the capitalists in modern social history.

In addition, contemporary political science discusses what political sociologists describe as the agencies of legitimation such as the political parties, the mass media of communication and the organisation of education.

Finally, political theory makes an attempt to predict some of the directions in which the political systems of today—pre-industrial, advanced capitalistic or planned socialistic—are moving. Political theory can no longer maintain an exclusively Anglo-Saxon or European bias but must make an earnest effort to explain political developments on a global scale including the politics of economically underdeveloped areas of Asia, Africa and Latin America and the politics of socialist nations, old and new, which are experiencing an unprecedented rate of economic growth.

Correct Approach to the Study of Politics.

Society is a complex whole which we can study, by using the scientific method, from different points of view—legal, sociological,

economic or political. We have no right to regard as absolute the aspects of social reality obtained in this manner and to separate them in isolated compartments. We are not justified in considering any one sphere of social reality such as the *political* as absolute in the sense of treating it an independent process of development.

Nevertheless, some schools of social science treat politics as a self-contained, independent domain of study, torn away from the other spheres of social life. They rely on *juristic* and *normative* methods consisting in a formal analysis of constitutional rules guiding the working of State organs and reflection on certain political ideals to be realized in future.

The *correct* approach to the study requires that the investigation of political phenomena is intimately related to the investigation of the other social phenomena. Politics, therefore, may be considered as a social science, which studies in a systematic way the phenomena connected with the State, law, government, revolution, economy and culture as a part of the general social development. The social development as conceived here is from a definite point of view as suggested by Laski in his characteristic phrase—"property relations determined by the modes of production in a given society."

While emphasizing the relevance of a sociological analysis in the study of politics, one must avoid the 'sociologism' of writers like Pareto, in Durkheim and Stammler, who reduce the question of the social basis to a psychological principle or an ethical norm. Political sociologists, who do not recognise the materialistic basis of social institutions, may characterise a socialist political system as oligarchical and a capitalistic political order as fully democratic on the basis of a superficial and one-sided study of political structures.

Though the importance of economic and sociological analysis in politics is obvious, yet political institutions, being manifestations of the ideological superstructure, have a certain capacity for autonomous development. The behaviourist school in political science has emphasised the study of political behaviour and political systems concerning itself with our empirical analysis of political processes.

2

THE NATURE OF THE STATE

THE STATE is the most universal and most powerful of all social institutions. Wherever human beings have lived together for any length of time, there we find organization and authority. And where we find organization and authority, there we have the nucleus of the State.

As the Greek writers have taught us to think, the State is both a natural and a necessary institution. The State is natural in the sense that it has arisen out of the primary instincts of man and is a gradual growth. Aristotle declares that man by nature is a political being. To Aristotle, to live in the State and to be a man were identical, for whoever was not a member of the State or was unfit to be one was either a god or a beast; he was either above the State or below it. Modern writers sometimes speak of the political instinct of man. By that they mean that the State has its roots in the natural impulses of man and that it cannot be easily eradicated.

A great number and variety of definitions of the State have been attempted. We shall cite only some of the most satisfactory. Holland defines the State as a numerous assemblage of human beings, generally occupying a certain territory among whom the will of the majority or of an ascertainable class of persons is by the strength of such a majority made to prevail against any of their number who oppose it. Philimore, looking at the State from the point of view of international law, defines it as 'a people permanently occupying a fixed territory, bound together by common laws, habits, and customs into one body politic, exercising through the medium of an organized government independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into all international relations with the communities of the globe'.

Among the definitions given by contemporary writers, those of Garner and MacIver deserve special mention.

Garner says: 'The State, as a concept of political science and public law, is a community of persons more or less numerous, per-

manently occupying a definite portion of territory, independent, or nearly so, of external control and possessing an organized government to which the great body of inhabitants render habitual obedience (23:52).'

MacIver's definition which carries with it a pluralistic tinge is: 'The State is an association which, acting through law as promulgated by a government endowed to this end with coercive power, maintains within a community territorially demarcated the universal external conditions of social order (55).' This definition which, in many ways, is the best, emphasizes 'law', 'government', 'coercive power', 'communal unity', 'clearly marked territory', and 'the universal external conditions of social order'—elements which should enter into any sound view of the State.

DISTINCTION BETWEEN THE STATE, SOCIETY, GOVERNMENT, NATION AND NATIONALITY

The State is not identical with society.¹ Ernest Barker remarks that society and the State have the same moral purpose (3:67). Consequently, they blend and borrow from one another. To the early Greek thinkers the State was indistinguishable from society. This identification of the State with society is to be explained by the peculiar circumstance that prevailed in the Greek city-state. The city-state was small in size and compact in population. The citizens knew one another personally and met together in common assemblies to pass laws and choose magistrates. They were knit together by common interests.

Whatever justification the Greeks may have had for the identification of the State with society, we, today, have no such justification. Interpreted strictly, the State is a political organization. It is society politically organized. Society is both broader and narrower than the State. It may be used to describe the whole community of mankind just as much as a small social group of a village. In its broader sense, it transcends the individual state and national boundaries; e. g., the Islamic Society and the Free Mason Brotherhood.

1. Prof. MacIver rightly says: To identify the social with the political is to be guilty of the grossest of all confusions, "which completely bars any understanding of either society or the State." (55:4-5).

The State is a part of society but is not a form of society. It is more than a number of loosely connected individuals who happen to live together. It is a number of people associated politically, organized under and through some form of Government, occupying a definite portion of the earth's surface. Society exercises authority largely through customs. The State exercises authority through laws enacted and enforced by Government. The State is the only instrument which can legitimately use force. Society, on the other hand, can use only moral persuasion or influence and social ostracism or expulsion. It cannot imprison a man for the violation of its requirements. To use the language of E. Barker, the area of society is voluntary co-operation, its energy that of goodwill, its method that of elasticity; while the area of the State is rather that of mechanical action, its energy force, its method rigidity. In the words of MacIver, 'the State is a structure not coeval and co-extensive with society but built within it as a determinate order for the attainment of specific ends (55:40)'. 'The importance of the State to society is clearly brought out by E. Barker when he says, 'Society is held together by the State; and if it were not thus held together, it could not exist (3:118-19)'. Society may be compared to the many planks which comprise a wooden barrel, and the State to the iron band which goes around them holding them together in their proper places.

Prof. Barker in his book, *Principles of Social and Political Theory*, clearly brings out the difference between the State and society under three headings : (1) purpose or function, (2) organization and structure, and (3) method. From the point of view of purpose, the State is a legal association which acts for the single purpose of making and enforcing a permanent system of law and order. But society, comprising as it does, a plurality of associations, acts for a variety of purposes other than the legal purpose. These varied purposes are intellectual, moral, religious, economic, aesthetic, and recreational. The membership of the State and society may be the same. But they differ as regards purpose. "The State exists for one great, but single, purpose; society exists for a number of purposes, some great and some small, but all, in their aggregate, deep as well as broad. (87 : 42)"

From the point of view of organization, the State is a single organization—legal, whereas society comprises within itself many organizations.

As regards method, as pointed out above, the State employs the method of coercion or compulsion; society employs the method of

voluntary action. The purposes for which society exists, make the persuasive methods necessary; and the multiplicity of its organization gives ample opportunity to the members to relinquish one association and join another in case coercion is ever attempted.

Even though in theory we say that society depends mostly on persuasion, at times, it can be a harsh tyrant. Witness, for example, the tyranny exercised by customs and fashions even in civilized societies.

A term which is becoming even more common and popular than society is "community". It suggests a group of people even more closely knit together than a society willing to help each other, and even die for one another when necessity arises.

J. Maritain writes: "A community is more of a work of nature and more nearly related to the biological, a society is more of a work of reason and more nearly related to the intellectual and spiritual properties of man". (144 : 2)

In our ordinary conversation we use the two terms interchangeably. Yet a moment's reflection is enough to show that they are not one and the same. Government is ¹2. *The State* the instrument of the State. "The State itself is an *and Government* ideal person, intangible, invisible, immutable. The government is an agent and within the sphere of the agency, a perfect representative, but outside of that it is a lawless usurpation"¹. In the words of Rousseau, government is 'a living tool'. It is the practical organization of the State through which the will of the State is 'formulated, expressed and realized'. The ends and purposes of the State are executed through the instrumentality of the government. Without government the State has no existence. The State is largely an abstraction, but government is concrete. The State is permanent and fixed, while government is transitory. Changes in the form of government do not mean changes in the continuity of the State.

The authority of the government is not original. It is derived from the State. The functions of any government are executive, legislative, and judicial. Government is an expression of the genius of a people.

In political science these terms have often been used as synonymous terms. Even today political thinkers in general do not make a careful distinction between 'nation' and 'nationality'. For the sake of clarity of meaning and precision in the use of words, it is wise to

1. The Supreme Court of the U. S. in the case of *Poindexter Vs. Green Show* (114 U.S. 270).

employ these terms to describe distinct things. The State, as we have already seen, is a political organization. It may or may not be co-existent with nationality. Where a State is exclusively composed (or nearly so) of one nationality we get a nation State.

3. *The State, Nation and Nationality* But where we have a State which consists of more than one nationality, or where a nationality is spread over several states, the State and nation do not coincide. Nation means a self-governing nationality.

Or, as Gilchrist puts it, a nation equals State plus nationality. The same writer goes on to say that the term nation today has acquired a definitely political meaning. 'It stands for the unity of the people organized in one State and acting spontaneously as a unity'. Nationality is primarily a cultural and ethnical term. It is a spiritual sentiment or principle. Factors which make a people a nationality are geographical unity, common racial stock, common culture, common language, religion, customs and traditions, common history, common economic interests and political associations, common hopes and aspirations, and the like. It is not necessary that every one of these factors should be present in order that a people may become a nationality. Still without at least some of these factors nationality is unimaginable. On the political side, nationality may be defined as the disposition to act together politically.

Since the early part of the nineteenth century, there has been a growing feeling that every group of people who claim to be a nationality should be allowed to have an independent political organization. This movement received an impetus during World War I and expressed itself in such potent ideas as the 'self-determination of Nations', and, 'one nation one State'.¹

The distinction that we have drawn between a 'nation' and a 'nationality' is not the one which is usually drawn. Gettell observes: 'Considerable confusion arises from the fact that publicists do not agree in their usage of the terms "nation" and "nationality"'. Some use the term "nation" to mean a population of ethnic unity, regardless of its political affiliation; others widen the term to mean a population having also political unity and identity of "nation" and "state". Some use the term "nationality" to signify the principle or characteristic that creates a nation. Others distinguish nation and nationality by using the former to mean a population of the same

1. The term nation is used here in the sense of nationality.

race, language and tradition inhabiting the same territory and constituting the larger part of its population and the latter to mean one of several distinct ethnic groups scattered over an area and forming but a comparatively small part of its population (26:159). Thus one may speak of the British nation and Welsh nationality.

ONE-SIDED OR FALSE VIEWS OF THE STATE

There is scarcely any term in political science which has given rise to more confused thinking than the primary term 'State'. Almost every writer of political science gives his own definition of the 'State', and there are hardly any two thinkers who agree on what they consider to be a satisfactory definition of the 'State'. MacIver in his *Modern State* sums up views of the state which are either narrow and one-sided or altogether false.

(1) According to writers like Oppenheimer, the author of *The State*, the State is essentially a class-structure, 'an organization of one class dominating over the other classes'. Or, as another writer puts it: "The State is the formal staff of the class which owns economic power". It is in line with the teaching of Karl Marx, according to whom the modern State is an agency for the exploitation of the poor by the rich. As a definition of the State, Oppenheimer's definition may be true of certain states at certain times, but we object to making it apply to all states at all times. It applies more to a diseased State than to a normal one. In a normal or well-ordered State, individual or class interests should be duly subordinated to the general interest or common good. However, the notion of the State as class-structure is today widely shared by many sociologists, political realists and socialist writers of different schools. Mosca, Weber, Sidney Webb, Laski, G. D. H. Cole and C. Wright Mills describe the state in terms of class relations.

(2) Some interpret the State as a power-system. They interpret it exclusively in terms of might. Machiavelli is the forerunner of this point of view. Many German writers such as Treitschke upheld the same view during World War I. We totally disagree with this view. Force is no doubt an essential part of the State, but it is not the foundation of the State. Might never makes anything right. It is right which can lend support to might. When used in the interest of right, might may be justifiable. T. H. Green aptly remarks, 'Will, not force, is the basis of the State.' Force is the distinguishing

mark of the State. But the reason why we as enlightened citizens obey a well-ordered State is that we are conscious that in obeying such a State we obey the best in ourselves, we obey our own individual wills purged and purified of their selfishness. Obedience to the State is highly justifiable when it arises out of the consciousness that, in obeying the will of the well-ordered State, one promotes a common good of which the individual good is an intrinsic part.

In criticizing the view that politics is 'the struggle for power', Hallowell rightly remarks that this view brings out the *fact* of power, but not the *purpose* for which it is exercised. The power of relationship, says he, is a two-way, and not simply a one-way, relationship.

Naked power or brute power can never justify a State. It is only when power is transformed into authority that it becomes a pillar of the State. Power becomes authority when it is well-organised, regularised, and is used for social ends. The rational transition is from force to power, and from power to authority. Many writers of the Behaviourist school prefer to discuss the State in terms of power relations.

(3) To thinkers like Grotius and Althusius the State is a welfare-system. One form of this theory is that the State is in the nature of a public utility company. We have no hesitation in saying that this is too narrow a view of the State. Promotion of public welfare is undoubtedly a very important duty of the State. But to identify the State with a public utility company, like the U. P. Electric Supply Company, is clearly a mistake. The State is not like a company at all. Membership in it is not voluntary. We are born members of the State. We cannot enter the State when we like and leave it when we like.

In India most people accept the 'Welfare State' as a praiseworthy end. It suggests the extension of State activity in several directions, particularly in the matter of social justice. Some businessmen and capitalists use the term as a cloak behind which to hide their individualistic propensities.

(4) There are a few writers whose number is happily diminishing today, to whom the State is in the nature of a mutual insurance society for purposes of mutual protection. Herbert Spencer was a staunch advocate of this theory. To him, the State is 'a joint stock protection company for mutual assurance'. We have already seen that the State cannot be compared to a company, much less can it be compared to an insurance company. Views like this do scant justice

to the organic nature of the State, according to which, individual good and social good are intimately related and are not two clearly separable entities.

(5) Some interpret the State as entirely a legal construction. To them the State is a community 'organised for action under legal rules'. Once again, we would say that this is a very narrow view of the State. There is no doubt whatever that the legal aspect of the State is a very important aspect, but it is not the only aspect. The State guarantees to its citizens rights and it enforces duties. But that does not exhaust the nature or functions of the State. The legal view of the State ignores the higher life of the State altogether—the moral and spiritual.

(6) The individualists consider the State a necessary evil. They regard every action of the State as a subtraction from the freedom of the individual. Hence, they say, the State is an evil, although it is rendered necessary by the selfishness and rapacity of man. If each individual were left to himself, they argue, he would seek his own self-aggrandizement at the expense of others and there would be no social peace and no social order. The State thus becomes a concession to human weakness. Spencer and even such an enlightened thinker as Bentham uphold this point of view. As for ourselves, we believe that it is a mistake to consider the State an evil, or even a necessary evil.

(7) Mild anarchists modify the position of the individualists to the extent of holding that the State is an evil, but that some day it will be unnecessary. They rely unduly upon the changeability of human nature, believing that with the increasing moral development of man the State will become less and less necessary and will eventually 'wither away'. The extreme anarchists such as those who subscribe to anarchistic communism hold that the State is an unmitigated evil, and that, therefore, the sooner we get rid of it the better it will be for the moral growth of man. While there is much that is appealing in the anarchist position, we must admit that it does scant justice to the fact that the State has its roots deeply embedded in human nature.

(8) Some modern writers prefer to regard the State as one in the order of 'corporations'. This is the pluralistic point of view in general which fortunately is practically dead today.¹ According to this view, the State is to be reduced to a position of equality with other permanent groups such as the family, the church, the trade union,

1. Lipson writes: "The only genuine pluralist now left is the anarchist."

the social club, etc., which cater to our varied interests. We realize that the time has come for us to recognize that the various permanent groups within society have a definite and distinct place to fill in the life of man and that, in order to do this satisfactorily, they should have as large a degree of internal autonomy as possible. Nevertheless, we need a superior organization to adjust relationships, and to keep the various subordinate organizations in their proper places. That organization is the State.

(9) The modern totalitarian view of the State regards the whole life of the individual as coming within the jurisdiction of the State. There is no part of a man's life which he can call his own. If he lives, he lives for the State, and if he dies, he dies for the State. Mussolini stated the totalitarian view in the striking words: 'All within the State, none outside the State, none against the State.' The motto which he placed before the youth of his country was: 'To believe, to obey, to fight'.

The totalitarian view means regimentation of the life of the individual. It is a wholesale denial of the worth and dignity of human personality, leading to a system in which the individual becomes a cog in the wheel of the State.

A POSITIVE STATEMENT OF THE STATE

The State is the highest form of human association. Without it man's life is incomplete. It provides the environment for the self-realization and self-development of the individual.

1. Priority of the State The State is thus prior to the individual. Men naturally tend to associate with each other. To paraphrase Aristotle, it is by the completion of civil society that man is the most excellent of all living beings. Without law and justice man would be the worst of beings. Only in the State does the individual really become a man. Without the State he might be potentially a man, but would be actually a brute.

Thus the State, as an idea, is prior to man. This does not mean that the end of the State is something apart from, or contrary to the end of the individual. Properly understood, the end of both is the same, *viz.*, the development of human personality. As Lord puts it, the State is an essentially necessary aspect of, or element in, the individual's own will. It is partly an external organization fulfilling the most universal and permanent needs

of human personality and partly the individual himself in a social capacity. It is the extension and completion of the moral and rational will of the individual. It is a rational organization of the various interests and purposes of the individual.

Physical coercion is an indispensable element in the constitution of the State. In the last analysis the State must have power to coerce the unsociable and recalcitrant will. Force, as used in this connection, does not mean mere physical or brute force. It means force *plus* reason, which unitedly means authority. *3. The State as Force*

The State is the one organization that represents the whole community. None of the other associations—social, religious, political, economic, educational—can include the whole of the individual. In the striking words of Miss Follett, 'The State cannot be composed of groups because no group, nor any number of groups, can contain the whole of me and the ideal State demands the whole of me. Again, the true State must gather up every interest within itself. It must take over many loyalties and find how it can make them one. I have all these different allegiances. I should indeed lead a divided and, therefore, uninteresting life if I could not unify them.' *4. The Uniqueness of the State*

A corollary which follows from the above view of the State is that we require a supreme organization, *viz.*, the State to adjust the 'outstanding external relationships of man in society' (55). Life becomes a chaos without the State. It is the State which reconciles differences and gives unity and meaning to the many-sided life of man. In a complex and complicated world where there is an evergrowing conflict of loyalties, there is an urgent and increasing need for the State as an adjuster of relationships. *5. The State as an Adjuster of Relationships*

The State can concern itself only with those interests of man which can reasonably be regarded as universal. It cannot undertake the promotion of the sectional interests of its members. For this latter purpose, we have such organizations as the family, the church, the trade union and the cultural organization. As Garner puts it, while the purpose of a voluntary association is limited to the pursuit of one, or at the most, a few particular *6. The State and Universal Interests*

interests, the State is charged with the care of general rather than particular interests (23:63).

Finally, the State can regulate only the outer aspects of conduct. It cannot take motives into account, since they are altogether of an inner character. Thus gratitude to one's parents which is to be spontaneous if it is to be of any value at all cannot be enforced by State action.

The State may consider intentions, but motives fall outside its scope. T. H. Green rightly says: 'The only acts which it (the State) ought to *enjoin* or *forbid* are those of which the doing or not doing, *from whatever motive*, is necessary to the moral end of society' (29). In simple language, it means that the State ought to undertake only those actions which are so absolutely indispensable to the good life of society that in enforcing them it can take the risk that some people will perform, or refrain from them, from a low and unworthy motive.

To sum up the discussion, the State is not an end in itself. It is a means by which the collective needs of man can best be secured in an orderly and just manner. Without the State, the individual sinks into insignificance. It is the State which holds the social order together. By a judicious use of reason and compulsion, persuasiveness and authority, it can promote the true well-being of society of which the true well-being of every individual is an intrinsic part. The State has no right to crush or hinder the individuality of persons. Nor has it a justification for existence so long as are absent the minimum conditions necessary for the good life of every individual.

ESSENTIAL ELEMENTS OF THE STATE

The essential elements of the State are population, territory, sovereignty, and government.

It is obvious there can be no State unless people live together an associated life. The question relating to number of persons necessary to constitute a State is only of theoretical interest, although ancient writers laid much stress on it. Plato in his *Laws* fixed the number of citizens for an ideal State at 5,040. Aristotle considered 100,000 too many. In relatively recent times, Rousseau, who was an ardent admirer of the Greek city-state life, wanted to revive the ancient city-state with a compact population. According to him 10,000 would be an ideal number. Modern states vary in size and population as widely as

Russia, China, and the U. S. A. on the one hand, and Monaco and San Marino on the other, the latter of which has an area of only 38 square miles. The Vatican City under the Pope, constituted in 1929, covers 109 acres in the heart of Rome. Iceland has a meagre population of 132,000.

From the legal point of view, population as an element of the State includes both those who rule and those who are ruled. The people of a State possess a dual character. In the capacity of those who have a share in framing the will of the State, they are citizens, and in the capacity of those who obey the will thus formed they are subjects. This distinction we owe to Rousseau. As citizens, people possess rights and as subjects they have duties.

There can be little doubt that without fixed territory there can be no State. Yet not all political thinkers are absolutely agreed on it. The modern State undoubtedly 2. *Territory* requires a definite portion of earth's territory over which it can have undisputed authority. In contrast with the ancient State, the modern State is essentially territorial in character. A nomadic people cannot be said to constitute a State, although they may have some form of political organization through common subjection to a leader or chief. In the words of Prof. Elliott: 'Territorial sovereignty or the superiority of the State over all within its boundaries and complete freedom from external control, has been a fundamental principle of the modern State life, (19).'

A fixed territory is so much an essential factor of the modern State that no two separate and unrelated States can claim jurisdiction over the same area. The only apparent exception is that of the federal State, where two 'States' exercise authority over the same territory. Prof. Elliott says that it should be remembered that 'they are related States' and that 'the sphere of each is carefully determined by the provisions of the written constitution.'

As a rule, the territory of a State is contiguous. Yet there are exceptions. The far-away Alaska and the Hawaii have now been added to the American Union as the forty-ninth and the fiftieth states.

Sovereignty and law are the two distinguishing characteristics of the State. By sovereignty we mean ultimate authority, an authority from which there can be no appeal. Associations other than the State may have population, territory, and even some form of compulsive organization, but they have no sovereignty. In the last resort, all individuals and groups of individuals within the State have to submit

to the will of the State. This fact we express by the term internal sovereignty. In external relations, too, the modern State claims final authority. It may obey international conventions

3. *Sovereignty* and understandings, but until world government becomes a reality there is no power on earth that can compel obedience of the State to a higher entity. This attribute of the State we express by the term external sovereignty. By virtue of its sovereign authority the modern State claims supremacy in internal matters and freedom from the control of external governments.

MacIver and many other modern writers dissent from this view. To MacIver, the State is an association, unique in its kind and of invaluable significance but still an association, like the rest (55: *ch. XII*). We shall take up a criticism of this view in a later chapter.

As seen already, government is the political organization of the State. It is the instrumentality through which the

4. *Government* sovereign will of the State finds concrete expression.

If the ultimate sovereign in a democratic country is the people, the legislative sovereign is the government. A State without government is inconceivable, for the State wills and acts through the government. No particular form of government is essential. The form of government depends upon the nature of the State which in turn depends largely upon the political thought and character of people.

MacIver says that the State is the organization of which government is the administrative organ; and since the organization is greater than the government, the State is the greater and more inclusive. To quote him directly: "A State has a constitution, a code of laws, a way of setting up its government, a body of citizens."

THE ORGANIC THEORY OF THE STATE

From the days of Plato down to the present day it has been the common stock-in-trade of political thinkers to compare society and, in turn, the State, to a living organism. Some have used analogy cautiously, while some have tried to apply it at every conceivable point, with the result that not a few among the most serious-minded writers on political science are inclined to dismiss the conception wholly as being useless, if not mischievous.

The nineteenth century political thought began with a reaction to the view that the State is an artificial creation of man. It tried to

establish the truth that the State was not man-made, but a gradual, unconscious, and inevitable development of human nature. In this endeavour the familiar conception of the organic nature of society was revived and became a fundamental part of the thinking of German idealists especially. Fichte, who belonged to this latter group of theorists, was the first to bring out clearly the interdependence of the individual and society. He held that the individual had no meaning and significance in and by himself, apart from society, but was an essential part of the social whole. In his own words : 'In the organic body each part constantly maintains the whole, and is in maintaining the whole thereby, itself maintained; just so stands the citizen in relation to the State.' Early idealists thus looked upon the State as a moral organism.

Herbert Spencer in the nineteenth century is the supreme example of a writer who works out to the minutest possible extent the parallel between an individual organism and social organism and yet misses the essential points of the comparison. He uses the organic analogy to prove his own preconceived notions of individualism. The analogy is used so very literally in an earlier essay that the up and down lines of a railway are compared to the arteries and veins of an animal.

Almost the first thing that needs to be said in the use of this conception is that an analogy is not the same as an argument. To establish a parallel between two objects is not necessarily to establish a logical connection between them. It is the failure to recognize this simple truth that accounts for the literal way in which the organic conception has been used by writers such as Bluntschli, Spencer, and Schaffle.

Society or the State is not an organism. It is *like* an organism in some respects and *unlike* an organism in other respects.

(1) Like a physical organism, it has in it the principle of life, growth, and development. We are not prepared to say with some writers that every State passes through youth, manhood, old age, decay, and death.

(2) In the social organism, just as much as in individual organism, there is present an inter-relation and inter-dependence of parts. The parts depend upon one another and upon the whole; the whole in turn depends upon the parts. The welfare of each is involved in the welfare of all. Individual good and social good are intimately related.

*Elements of
Truth in the
Organic Theory*

(3) Both the individual organism and the social organism embody the principle of differentiation of parts and the related principle of the distribution of functions according to fitness. Tools to the man who can use them is the underlying idea.

To press the analogy beyond the above general truths is sure to lead to confusion. The State is not an organism in the sense of being a physical structure.

Lipson brings out the limitations of the organic theory when he writes: "A human group (like the State) resembles an organism in that its members perform various functions and are interdependent. It differs from an organism in that it has no way of thinking, feeling, and acting as one". (140 : 34)

MacIver argues that the conception of the State as an organism is "a dangerous analogy". It has no proper place for the "autonomy, the initiative, the selfhood, the personality of the individual". It absorbs him totally in the great whole.

VALUE AND LIMITATIONS

To Gettell we owe the following points in summing up the value and limitations of the organic theory:

(1) The theory teaches the importance of the historical and evolutionary points of view.

(2) It insists upon the effects of the natural and social environment.

(3) It lays stress upon the inter-dependence of citizens and political institutions.

(4) It emphasizes the essential unity of social life and the intricate causal inter-relations of all its parts.

(5) It teaches that society is something more than an aggregate of individuals loosely thrown together without any unifying bond. It shows clearly that the members individually are in a peculiar sense dependent upon the whole and the whole in turn is conditioned upon the parts.

(6) It believes that men by nature are 'political beings' and that their universal tendency to social organization creates the State.

At the same time, many of the analogies between the State organism and the individual organism, while striking, are often far-fetched and contradictory.

(1) The will of the State is not always identical with the wills of its component units.

(2) In the individual organism, the laws of evolution are followed intuitively. The growth of the State is in a large measure capable of conscious direction and control.

(3) The organic theory further runs the risk of magnifying the State as an end in itself, and of losing sight of the fact that the purpose of its existence is the well-being of its individual members. In other words, it is in danger of sacrificing the individual to society.

(4) The individual in the State does not exist solely to support and perpetuate the life of the whole. Each individual has to a large extent the shaping of his own life. He has a consciousness and a will of his own. All this is not true of the cells of the animal organism.

(5) A physical organism perishes and ceases to be living matter if the members are cut off. Such is not the case with a State, when a member separates himself from it.

In conclusion, it must be said that the organic theory, being of a flexible character, should be used with great caution. Analogy should not be pressed too far. To apply it at all points is certain to lead to illogical and even absurd results.

THE STATE ACCORDING TO LASKI AND MARX

Theory of State and Social Environment.

Political philosophers have been reflecting upon the nature of the state and the processes of government from very early times. Confucius, Kautilya, Plato and Aristotle began a discussion of political affairs even before the commencement of the Christian era. Machiavelli, Hobbes, Locke, Rousseau, Hegel and Marx are some of the notable examples, who have tried to interpret the state in the modern age. Each political thinker has endeavoured to evolve his theory of the state in the light of his contemporary social experience.

The theory of Confucius is unintelligible except in the context of the social relationships prevailing in the ancient empire of China. Political ideas of Manu and Kautilya equally reflect the social conditions and caste prejudices of the ancient Hindus. Plato and Aristotle regarded the Greek city-states as the last word in political evolution and the latter justified the institution of slavery on account of its social expediency. Similarly, the theories of Machiavelli, Hobbes, Locke, Rousseau and Hegel have no meaning save in the context of the social environment in which they were propounded.

Marx, the founder of scientific socialism, was the first great

thinker, who tried to build up his theory in the context of a world environment and his understanding enabled him to comprehend the social experience of millions of human beings of different classes in different countries. Among the many great political thinkers of history, he has exercised the greatest influence on Laski's political theory.

In England political theory has assumed three characteristic expressions during the preceding century. The early Victorian political thought was pre-eminently individualistic. Bentham, Adam Smith and Herbert Spencer were the prophets of English individualism. John Stuart Mill was also an individualist but he modified his outlook in his later years and showed a mild drift towards state interventionism. Political thought of the later Victorian period represented a swing towards idealist reaction and Green was its main exponent. The idealist reaction culminated in the philosophy of Bradley and Bosanquet, who reinterpreted Plato and Hegel for the contemporary generation of Englishmen.

Laski found that the *laissez-faire* philosophy of Mill and the collectivistic idealism of Bosanquet were equally unsuitable for the English society as it existed in the twentieth century. He regarded socialist professions of the Fabian Society as reformism, which could not solve the problems of the modern age. He was more radical in his socialist outlook than any of his English predecessors or contemporaries. His theory of the state is in effect a philosophical reconstruction of a cautious Marxist, who is prepared to revise Marxism in the light of local experience, which differs from country to country.

Laski's Theory of State.

Laski's theory of the state is an unhappy blending of the political ideas of Mill, Maitland and Marx. The individualism of Mill, the pluralism of Maitland and the socialism of Marx have alike influenced his political thought. However, the influence of Mill and Maitland over his thought has gradually declined and has been replaced by that of Marx. It is significant that he did not become a convert either to the syndicalist philosophy of Sorel or to the guild-socialist theory of G.D.H. Cole, which was more in harmony with his early pluralistic ideas.

His break with the libertarian tradition of Mill is reflected in the rejection of the Fabian thesis of gradualism. When he realized the inadequacies of the pluralistic theory of the state as enunciated by

him in the past, he openly acknowledged its limitations and imperfections. When he saw that the Fabian ideology of a libertarian socialism was unworkable, he unhesitatingly advocated the necessity of a thorough-going collectivistic state for a revolutionary refashioning of social relations.

James Sand's Criticism of Laski.

Still the conversion of Laski to a revised form of Marxism was not a total surrender of his earlier presuppositions. This is evident from the criticism of James Sand, himself a true Marxist, of Laski's theory of the state. Laski attempted, he says, "to save the individual from the ravages of authority. Now he realizes that the problem is, not to put the State in its place, but to place the State in the hands of a new class. For one who in 1920 grew rhapsodical over the fact that French Socialism was founded upon Proudhon rather than Marx, this is truly a revolution. For one who has busied himself defending liberty and freedom, the discovery that there is only class liberty and class freedom, should mean a complete overhauling of his principles. He lets himself in for additional confusion by attempting to justify coercive power in terms of the measure of its satisfaction of maximum demand. This is arrant scholasticism. The justification for coercive power has always resided in itself. Only those who do not have it, or will not wield it when they have it, seek to justify it by anything but itself. Laski shrinks from the Thrasymachean view of justice as the will of the stronger because again he fails to ask the *ad hominem* question: who is the stronger?"¹

It shows that Laski's theory of the state remained "psychologically bourgeois" in the eyes of the Marxist commentators. It means that he could not abandon his early training in Mill's tradition and reverence for Maitland's jurisprudence. The inconsistencies in his outlook have arisen because he accepted the social goals of Marxism without surrendering his faith in the liberal method. This is the root cause of his pessimism and scepticism, which are conspicuous in the later formulations of his own doctrine. He ought to be a pessimist because he has accepted the goal of a classless socialist society without accepting the revolutionary method of achieving it and at the

1. Quoted by Professor G. Catlin in his "Story of the Political Philosophers", Chapter XX, p. 671, from James Sand's article in the "Workers' Age", August, 1935.

same time he is not sure that the constitutional means will finally bring about the desired social change.

Definition of the State.

The fundamental problem in all political inquiries is to determine the nature of the state. The state has now become the most important institution of the human community. Laski regards the state as the crowning point of the modern social structure and finds its special nature in its superiority over all other forms of human associations. Every state for him is a territorial society divisible into a government and its citizens. This government has the right and physical power to impose its legal imperatives on the body of citizens, whose normal obligation is to obey these commands.

This description of the state clearly shows that Laski has now discarded his pluralistic conception of the state. "In every state", he says, "there is a will which is legally pre-eminent over all other wills. It makes the final determinations of the society. It is, in the technical phrase, a sovereign will. It neither receives orders from any other will, nor can it finally alienate its authority. Such a will, for example, is that of the King in Parliament in Great Britain" (48:12). It clearly implies a return to Austinianism. In fact, Laski's acceptance of collectivism necessitated this change.

Even in "A Grammar of Politics", Laski had abandoned his pluralistic conception, when he said that every state in modern times claimed supremacy, within its territorial jurisdiction, over all other institutions and individuals. He called it "the final legal depository of the social will". The state provided the perspective of all social organisation established and functioning on its territory. It used its power to control all forms of human activity to the extent it desired. If it allowed a certain degree of autonomy and freedom for its citizens and their associations, this was done by its express permission. The state in England, he said, was gracious enough to allow the inter-marriage of cousins but prohibited the marriage of a brother with his sister which was a recognised royal prerogative in ancient Egypt. The state, therefore, was "the keystone of the social arch" which shaped and regulated the form and content of the life of all its citizens in its various aspects (47:21).

The State and Sovereignty.

It is essentially a theory of the sovereign state conceived in

Austinian terms. Laski draws a clear distinction between society and the state. He defines society as a group of human beings living together and working together for the satisfaction of their mutual wants which are primarily economic in character. Theoretically, this society may embrace the entire humanity or it may be limited to a single nation on account of linguistic, cultural or political affinity. The State is merely an association within this society but it may be distinguished from all other associations by its possession of a supreme coercive power.

"This power", says Laski, "is called sovereignty; and it is by the possession of sovereignty that the State is distinguished from all other forms of human associations. A municipality is a territorial society divided into government and subjects; so also may be a trade union or a church. But none of them possesses supreme coercive power. Each must normally subordinate its habits to those defined as legitimate by that supreme coercive power. Its will is, formally, an unchallenged will, since otherwise it could not be supreme. For the same reason, its will can suffer neither division nor alienation" (50 : 21). But the sovereign power of the State, as Laski would emphasize, is merely a description of its legal structure, which is valid strictly in the juridical realm. It has no ethical significance as attributed to it by the idealistic thinkers like Hegel or Bosanquet.

The State and Government.

Just as there is a clear distinction between society and the State, there is, similarly, an important demarcating line between the State and government. Laski regards this distinction between the State and government as a fundamental axiom of political science. The government is the agent to carry out the objectives of the State. The coercive power resides in the State and the government uses it to carry out the aims of that power. The government is to be identified with the "mechanism of administration". But this distinction though quite valuable in political theory has very little importance in actual political behaviour. The State is an abstraction while the government is a concrete social reality. The State acts are really the acts of a particular government in power. Laws reflect the will of the State but they are lifeless if there is no government to enforce them. Political scientists say that the British State declared war on Germany on 3 September, 1939 but the fact was that the war was declared by the chief of the British government, who on that particular day was

entitled to use the sovereign power of the British State. The State does not act, some persons who control its administration and formulate its policies act on its behalf.

Thus there is a functional identity between the State and its government despite their structural difference. The State is a wider term which includes the constitution, government and the people. But it is the government which alone provides a dynamic element to the State by operating its sovereign power. The constitution merely provides how that power is to be exercised by those who are legally competent to exercise it. The people are merely the objects over whom the sovereign power is exercised by the government on behalf of the State.

Sovereignty as Coercive Power of the State.

As a realist Laski argues that sovereign power of the State, which is exercised through the agency of its government, means, in ultimate analysis, the right to use the armed forces of the State to suppress any opposition or rebellion which jeopardizes its existence. He points out that during every period of crisis in the development of the State, its survival depends upon its ability to dominate the adversaries of the regime by superior use of force. The basis of its sovereign power is the capacity to use the armed forces of the state to fight and suppress any challenge to its established authority. In every political society, the element of conflict are inherent in its social structure and sovereignty is necessary to keep these hostilities in control. From this point of view the State means a method of organising "the public power of coercion" so that the will of its government prevails in all social antagonisms. It is a system of power which is outside and above the reach of the masses (50 : 26). In this way the state is functionally a power organization and its armed forces are the instrument of enforcing its power. The heart of sovereignty lies in the armed forces of the nation.

Criticism of the Idealist View of State.

Laski contrasts his realistic view of the State with the traditional idealist view of the State. While the idealist ignores the distinction between the State and Society and the State and government which are fused together into a single moral whole, Laski recognizes the fact that the State is only a factor, however important, within the social sphere and the government is merely an instrument of the State

policy. He rejects the idealist conception of the general will as the basis of the State. The conception of the general will presupposes an inherent unity in the community and the possibility of purposive harmony between the conflicting claims of different classes and groups. It also presupposes that the government of the State, which is composed of fallible men, is capable of translating the general will of the community into actual administrative policies. Laski denies both of these assumptions.

In the first place, it is impossible to determine the general will out of the myriad wills of individuals and classes contending for supremacy in the community. Secondly, even if we accept for the sake of argument that such determination of the general will is possible, it is not at all certain that the State, which acts through the agency of a government composed of persons, who may be guided by their sectional interests, will truly translate its purposes into action. There is no explicit guarantee that the general will may not be distorted by those who are charged with giving expression to it.

Laski, therefore, concludes that the will of the State is, in fact, the will of a particular section in the society which is able to impose its decision upon the rest of the community by virtue of its possession of the political power in that community. "A working theory of the State", he says, "must, in fact, be conceived in administrative terms. Its will is the decision arrived at by a small number of men to whom is confided the legal power of making decisions" (47 : 35). Thus a very large part of the citizens in every state has no real share in formulating the will of the state which is mostly the work of a small governing class of bureaucrats who are again guided by the sectional interests of the dominant economic class in the community (131 : 152).

Some vital facts emerge from Laski's analysis of the nature of the State. The State loses all its majesty and charm bestowed upon it by idealist writers. The individual need not approach the State in fear and trembling because it is no longer a moral demigod inspiring awe and reverence in its subjects. But the sovereign power of the State is restored not only in the traditional Austinian sense of a juridical formality but also in the Marxian sense which recognizes it as a factor of immense value in the struggle of warring classes for supremacy in the community. The state is defined as a power-system (50 : 23).

Though this power has always been exercised in the interests of a particular class, yet the ruling class never admits this fact and even

seeks the justification of its policies in the common good. Aristotle justified the institution of slavery on the ground that it was beneficial both to slaves and their masters. The modern supporters of the institution of private property also justify it on the ground that it secures the general welfare of the community and every class is benefited by its retention in the existing form.

The Role of Popular Consent.

Laski points out that though the basis of the state is force, yet the stability of a political system is maximized by obtaining consent of the governed in some way or the other. The emergence of representative institutions and the widening of franchise may be regarded as the best safeguards of its security as they have increased the social frontiers of its popularity, but even these have not basically altered the character of the state which remains an executive committee of the class that owns the means of production in a particular society.

3

THE ORIGIN OF THE STATE

Various theories concerning the primary or pre-historical origin of the State have been propounded by historical and political writers. These theories are:

- (1) The Divine Origin Theory;
- (2) The Social Contract Theory
- (3) The Force Theory; - (C
- (4) The Patriarchal; and
- (5) Matriarchal Theories.

This is the oldest theory concerning the primary origin of the State. According to it, the State is established and governed by God himself or by some superhuman Power. God may rule the State directly or indirectly through some ruler who is regarded as the agent or vicegerent or vicar of God. Such a State is known as a theocratic or God-ruled State. The Divine Origin or the theocratic conception is almost as old as the State itself and is found universally among early peoples. It is a well authenticated fact that early forms of political authority were believed to be connected with the unseen powers. The earliest rulers were a combination of priest and king or the magic man and king. According to MacIver, the magic man in early society was the priest and king all combined into one.

The chief exponents of the Divine Origin Theory in the early times were the Jews.

The theory of Divine Origin found some of its most earnest supporters among the early Church Fathers.

The teaching of the Old Testament and the Church Fathers profoundly influenced the mediaeval writers in the controversy between the Church and the empire. Some of these writers used the Divine Origin Theory to establish the supremacy of the Church over the State and others to establish the supremacy of the State over the Church.

The Protestant Reformation gave a great impetus to the Divine Origin Theory and to the related doctrine of passive obedience or non-resistance to governmental authority, although in religious matters it stood for individual liberty and the supremacy of individual conscience. The Divine Origin Theory more and more took the form of the theory of the Divine Right of Kings. This is particularly true of the sixteenth and seventeenth century England. The leading exponents of the latter doctrine were James I, the first Stuart king, and Sir Robert Filmer. Bousset in France elaborated this theory in supporting the despotism of Louis XIV, who proudly declared "I am the State".

In his work called *The Law of Free Monarchies*, James I gives a clear exposition of this doctrine. He claims that the king has derived his authority directly from God. Therefore, he is above the people as well as above the law. He is subject to God and his conscience alone. He owes no legal obligation to the people. The only obligation that he has is a moral obligation to God to govern the people well. Kings make laws; laws do not make kings. The king 'is master over every person, having power over life and death.'

Even if the king be wicked, the subject has no right to rebel against him. To rebel against the king is to rebel against God Himself, for the king is God's chosen vassal.

To quote the forcible words of James I : 'Kings are justly called gods; for they exercise a manner of resemblance of divine power upon earth.' 'As it is atheism and blasphemy to dispute what God can do, so it is presumption and high contempt in a subject to dispute what a king can do or to say that a king cannot do this or that.' 'Kings are breathing images of God upon earth.'

The salient features of the doctrine of the Divine Right of Kings are:

- (1) Monarchy is divinely ordained;
- (2) Hereditary right is indefeasible;
- (3) Kings are accountable to God alone; and
- (4) Resistance to a lawful king is sin. (*G. P. Gooch*)

It is more than likely that even the supporters of this doctrine did not fully believe in all its extravagant claims. In supporting it, people failed to consider the danger of the king becoming a tyrant. Later, the theory was used against the growing political consciousness of the people and the rise of democratic ideas, and was made to

support royal despotism. It was not until the end of the eighteenth century that it was rejected as unsound in theory and dangerous in practice. In countries like Austria, Germany, and Russia it lasted for a still longer time.

Today both the Divine Origin Theory and the Divine Right of Kings are without supporters among political thinkers. To refute them in great detail is to flog a dead horse.

Some of the principal causes which brought about the decline of the theory are the rise of the contract theory, which rests political growth of authority on the idea of consent, the democracy which is opposed to absolutism, particularly royal absolutism, and the secular outlook of the modern man which seeks, as far as possible, to separate religious and political issues.

As a doctrine of political philosophy, the Divine Origin Theory received its death blow at the hands of Grotius, Hobbes, and Locke. Yet the Divine Origin Theory had certain values, some of which are suggestive:

(1) At a time when man was emerging from semi-civilized conditions and was not accustomed to obedience to a secular authority or to a self-imposed law, the doctrine of the Divine origin of the State must have been a powerful factor in preserving order. It was a bulwark against anarchy and did much to strengthen the respect of man for person, property, and government.

(2) It may be interpreted to mean that the instinct for order and discipline is deep-seated in man and that it reveals itself in political organization.

I. Statement of the Theory. This theory holds that the State is the result of a deliberate and voluntary agreement on the part of primitive men emerging from a state of nature. It assumes that there was a period in human history when there was no State at all and no political law. This pre-civil or pre-political period is regarded by some writers as pre-social as well. In this state of nature the only law which governed human relations was the law of nature. Advocates of the Social Contract Theory are not agreed upon what exactly this law of nature was. The state of nature was either too idyllic to last long or too inconvenient and unbearable for man to put up with it. Hence men in this primitive state soon abandoned the state of nature and set up a political society through the instrumentality of a covenant. As a result of the covenant each man lost

his natural liberty in part or in whole, and in its place he obtained the security and protection of the State provided by political law.

The contract is interpreted in various ways by its advocates. According to some, it is responsible for the institution of civil society alone, while others regard it, in addition as an agreement between the rulers and their subjects, resulting in the institution of a particular government. The first type of contract is known as the social contract, the second as the political or governmental contract. The contracting parties of the original, or the social, contract are the individuals themselves, emerging from the State of nature agreeing with one another and with all. The parties to the second, or the governmental contract are the people in their corporate capacity on the one hand, and an agent or ruler on the other. A further difference which we find among the advocates of the Social Contract Theory is that while some regard it as an actual historical fact, others consider it as a historical fiction which conveys a philosophical truth. An example of the former conception is found in Locke while Kant illustrates the latter conception. To Kant the contract is merely an 'idea of reason'. One other difference to be noted among the propounders of the theory is the varied use to which they put it. Hobbes uses it to justify royal absolutism; Locke to support constitutional government or limited monarchy; Rousseau to uphold the doctrine of popular sovereignty (45:13). On the whole, the theory has been used to justify the conception that governmental authority, if it is to be legitimate, must rest ultimately on the consent of the governed. The weight of its influence in general has been in the direction of safeguarding the rights and liberties of the people and of checking the arbitrariness of rulers. It has also engendered a general irreverence towards the State because of its assumption that the State is an artificial creation and that governmental authority is a restraint upon man's natural freedom.

II. Criticism of the Social Contract Theory. The Social Contract Theory has been attacked from three different angles, the historical, the legal, and the philosophical or rational.

In the words of Kranenburg, 'it employs too much deductive and too little inductive reasoning (45: 8)'.

(a) *Historical :*

(1) The most obvious criticism that suggests itself to one is that the theory has no basis in fact. To assume that primitive men came together at some particular time and established a political society

by means of a contract is to read history backwards. The idea is too advanced for primitive man. No one has yet been able to give a single instance of a State coming into being as the result of a deliberate and voluntary agreement between individuals emerging from a state of nature.

(2) There have been historical examples of governmental or political contracts, but such contracts are contracts among people already living in the civil state. They do not by any means explain the historical origin of the State. They only define the rights and duties of the rulers and subjects. Governmental contract is a fact; social contract is a fiction.

(3) The theory assumes that primitive man was much of an individualist. It assumes that he was a free man who could enter into voluntary agreements with other free men. This is not what research into early times shows. Early law was more communal than individual. The individual was of little importance. The family was the unit. Property was held in common. Law took the form of customs. The individual had his prescribed place in society. In these circumstances the free contracting of individuals with one another, in so important a matter as the institution of the State, is an absurdity.

(b) Legal:

(1) Even if we assume for the sake of argument that primitive man had advanced far enough in his social consciousness to enter into a contract, the fact remains that such a contract has no legal binding force whatever. A contract, in order to be valid, requires the force or sanction of the State. But for this contract there is no such sanction, for it precedes, and does not follow, the establishment of the State.

(2) Thus, if the original contract has no legal meaning and is invalid, all subsequent contracts based upon it are equally invalid, and the rights derived from it have no legal foundation.

(3) A contract has binding effect upon only those who accept it voluntarily. But the social contract is supposed to bind generations of men who have had no say in the matter at all.

(c) Philosophical:

Philosophical objections to the Social Contract Theory are even more important than the historical and legal objections. As said already, several of the contract supporters admit that the contract

notion is only a historical fiction and yet they use it in order to convey certain philosophical principles. The objections are—

(1) The theory assumes that the relation between the individual and the State is a voluntary one. This is a position which will not stand careful scrutiny. We are members of a state in the same way in which we are members of a family. The State is not an artificial creation of man. Membership in it is not voluntary. If the State were a voluntary organization like a company or firm, the individual would be at liberty to enter it or leave it at will. The obligations of the citizen to the State are not contractual at all. To use the oft-quoted and striking words of Edmund Burke: 'The State ought not to be considered as nothing better than a partnership agreement in a trade of pepper and coffee, calico or tobacco, or some other such low concern, to be taken up for a little temporary interest, and to be dissolved by the fancy of the parties.' If the State is a partnership at all, it is a partnership in a higher and more permanent sense.

(2) The entire conception of the state of nature and of the laws of nature is unsound. It assumes that whatever preceded the institution of the State is 'natural' and that whatever has followed it (including the institution of the State) is artificial. There is no warrant for dividing history into two parts with a hatchet, so to speak. Civilization is as natural today as was barbarism in the past. Man is a part of nature and the State is the highest expression of his nature. The State is a growth and not a manufacture.

Even if we grant that there was a State of nature governed by laws of nature, meaning thereby laws of inherent morality, the setting up of a State in such a situation is not a progressive step, but the opposite. To exchange laws of inward morality for the force of the State is a backward step.

Furthermore, if the state of nature is one in which a contract could be formed, it must have been a state where there was a consciousness of a common good, implying the ideas of social authority and individual obligation. But such a one, we claim, does not materially differ from a civil or political state. It is virtually, though not in name, a political state. The necessary elements constituting a political society are already present there.

(3) The Social Contract Theory implies a false notion of rights. T.H. Green aptly remarks: 'The real flaw in the theory of contract is not that it is unhistorical, but that it implies the possibility of rights and obligations independently of society.' According to any sound

view of rights, the basis of rights is *social recognition*, i.e., recognition on the part of society of a common good of which the individual good is an intrinsic part.

III. *Elements of Truth in the Theory.* Although as a theory explaining the origin of the State or the right relation between man and man in society, the Social Contract Theory is defective and finds no support today, it contains certain elements of truth. If we are to understand the theory properly, as it was elaborated in the seventeenth and eighteenth centuries especially, we should know the practical aim which impelled its adherents to enunciate it, namely, to give a more satisfactory and human explanation of the fact of political authority and the duty of obedience rather than explanations based upon divine fiat. In the place of the Divine Right Theory which called upon subjects to render unquestioning obedience to the 'powers that be', the Social Contract Theory laid down the fundamental truth that obedience rested upon the consent of the governed and that the sovereign had no right to act arbitrarily. In working out this truth, the Social Contract Theory served as the basis for modern democracy. It emphasized 'the importance of the individual, the possibility of modifying political institutions by direct human effort, and the fact that ultimate political authority lies, at least potentially, in the people (24 : 85).'

According to this theory, the State is the result of superior physical force; it originates in the subjugation of the weaker by the stronger. It is natural to suppose that in primitive times the man of exceptional physical strength was able to overawe his fellowmen and to exercise some kind of authority over them.¹ The same is probably true also of superior tribes and clans in their relationships to other tribes and clans. On the basis of this supposition, advocates of the force theory contend that all States have come into being through physical coercion or compulsion.

In his book *The State*, Oppenheimer, who is a keen advocate of this theory, traces the origin of the State through various stages. Jenks, who is another prominent supporter of the theory, in his *History of Politics*, holds that there is not the slightest difficulty in proving that all political communities of the modern type owe their existence to successful warfare. According to this theory, it is war that begets the

1. Voltaire's aphorism is: '*The first king was a fortunate warrior*'.

State. Advocates of the theory argue that what they regard to be fundamental features of modern political society—military allegiance and territorial character—are based on the relation between the war chief and his followers and on conquest which brings under the authority of a single ruler people of different countries and of different races.

Some writers use the term 'force' so very broadly as to include not only physical prowess but also power derived from intellectual and religious factors.

Like the Divine Origin and the Social Contract theories, this theory is advocated both as an explanation of the historical origin of the State and as a rational justification of the State to be; and like them, also, it is defective on both counts. In its practical form, it reduces itself to the position that government is the outcome of human aggression. Such a view is found in the earlier works of Herbert Spencer where he says, 'Government is the offspring of evil, bearing about it the marks of its parentage.' We admit that force must have been an important factor in the evolution of the State, but to regard it as the one and only factor is a clear mistake. Several other factors must have entered into the composition of early political societies. The State must have grown as much by voluntary amalgamation as by force and conquest. After conquest the State must have grown more as a result of conciliation and agreement than as a result of coercion. The force theory minimizes the element of co-operation and other such peaceful agencies which must have played an important part in the evolution of the State.

Force is an essential element of the State both for internal unity and for security against external attack. Without the element of force, the State would become a prey of disruptive factors and would soon cease to be¹. But force alone cannot account for the historical origin of the State or for its continuance in modern times. 'Might without right can at best be only temporary, might with right is a permanent basis for the State (28:79).'

The Force Theory, like the Social Contract Theory, has been used for a variety of purposes. Some have argued that since the State is the outcome of force, people should obey it absolutely. Such a position seems altogether illogical. As Rousseau has pointed out

1. Engels, the colleague of Marx, wrote: 'Without force and iron ruthlessness nothing is achieved in history.'

clearly, (67: Bk. I, Ch. III), the right of the strongest is no right at all. Right based upon might lasts only as long as might lasts. But what kind of right is that which perishes when force fails? To quote Rousseau again, 'Force is a physical power. . . . To yield to force is an act of necessity, not of will—at the most, an act of prudence.' The individualists, as well as the socialists, have also employed the Force Theory to support their respective doctrines. The individualist argument is that just as the State is the result of superior strength, so within society itself the race should go to the swiftest. This means unrestricted competition and unlimited scope for individual efforts. The socialists attack this argument on the ground that individualism means an improper use of force and that the State, by means of its superior force, should check the exploitation of the weaker by the stronger and mete out justice to the workers.

MacIver who brings a fresh point of view to bear on political questions adopts the Hobbesian view that one man is not much stronger than the other. He, therefore, discredits the theory that the State originated in the strong arm. Even such a man had to have the support of others. To use MacIver's own words: "The notion that force is the creator of government is one of those part-truths that begets total errors". (142 : 15) "Force alone never holds a group together". (142 : 16)

While there is general agreement that the origin of the State should be understood in terms of evolution, there is considerable difference of opinion as to the stages in this evolution. It is in this connection that we come across the patriarchal and matriarchal theories.

4. *The Patriarchal and Matriarchal Theories*

Sir Henry Maine is a chief advocate of the patriarchal theory. He defines it as 'the theory of the origin of society in separate families, held together by the authority and protection of the eldest male descendant.' He believes that the State is the family writ large. He assumes that the original group consisted of a man and his wife and children and that this family soon gave rise to several families and that the original father or the eldest male descendant became the protector and ruler of this common patriarchal family. Relationship is traced in such a family through males, and from the same ancestor. The State is simply a further development of the patriarchal family. To state this development in Maine's own words: 'The elementary

The Patriarchal Theory

group is the family connected by common subjection to the highest male ascendant. The aggregation of families forms the Gens or House. The aggregation of Houses makes the Tribe. The aggregation of Tribes constitutes the Commonwealth (28:85).'

The theory rests on three fundamental assumptions: (1) That the patriarchal family was based on permanent marriages and kin relationships. (2) That the State is a collection of persons descended from the progenitor of an original family, and (3) That the ultimate source of all political authority is to be found in the extensive and unlimited power exercised by the head of the patriarchal family, who on his death-bed bequeathed to his successor all the legal rights that he enjoyed.

Criticism of the Theory. (1) Modern research into the history of early man shows that the patriarchal system was by no means universal. There are some who contend that the matriarchal system, where relationship is traced through the mother, was earlier, in point of time. McLennan, who is a staunch advocate of the matriarchal theory, claims that polyandry and the matriarchal family were the primary social facts and that polyandry later developed into the monogamous family, and the matriarchal family into the patriarchal state.

(2) Jenks, who is another strong supporter of the matriarchal theory, asserts that the process by which families expand into clans and clans into tribes according to Maine's conception is, in fact, the reverse (22:118). According to Jenks, the tribe is the earliest and the primary group, then comes the clan, and finally comes the family. In support of his contention Jenks gives the examples of certain societies among primitive races such as those of Australia and the Malay Archipelago.

(3) The existence of polyandry and transient marriage relationships and kinship through females in uncivilized communities shows that the patriarchal family did not exist continuously.

(4) The most serious criticism of the theory is that it does not account for the origin of the State. It is simply a speculation into the beginnings of early society, particularly those of the family.

Adopting a slightly different point of view, MacIver holds that the family is the matrix of government, rather than of the State (142:24). Government, he says, may be regarded as "the continuation and expansion of the regulation developed within the family" (142:24). "Wherever the family exists—and it exists everywhere in

'society—government already exists" (142 : 26). The elements which lead to the formation of the State are, according to MacIver, the family, property, customary law, war and conquest.

This theory is suggested by the institutions of savages still in existence such as the aborigines of Australia and certain communities in India. Savage life discloses a type of society which appears to be more primitive than the patriarchal society. The fundamental features of this society are :

The Matriarchal Theory

- (1) Transient marriage relationships,
- (2) Female kinship,
- (3) Maternal authority, and
- (4) Succession of only females to property and power.

Some writers on the matriarchal theory consider all these four features as essential, while others mean by the theory only 'mother-right' and 'mother-relationship', and not 'mother rule'. It is the latter of these two views which seems more reasonable, according to which the mother does not rule herself but the right to rule on the part of a male is traced through the mother or the eldest female descendant.

According to the matriarchal theory, in the above restricted sense, the matriarchal family precedes the patriarchal family. It is natural to suppose that polyandry and transient marriage relationships were more common in primitive society than monogamy or polygamy. The Veemah marriage also existed, according to which the husband is incorporated into his wife's family. In these circumstances descent is traced through the mother; for, as Jenks points out, motherhood in such cases is a fact, while paternity is only an opinion. 'The woman here', says MacIver, 'is regarded as the agent of transmission, not the active wielder or even the participant of power.' The system 'gave the woman, the wife and mother, a social rather than a personal standing (55 : 29).' It was at a later stage that 'mother right' gave place to the patriarchal society 'through the adoption of settled pastoral and agricultural habits in place of the purely wandering or hunting life of primitive men (5 : 4).'

Criticism of the Theory. (1) Although examples can be found of the polyandrous type of society in various parts of the world, there is no proof that it was universal or necessary to the beginning of society.

(2) Other forces and elements besides patriarchal and matriarchal relationships must have entered into the process of political organization.

(3) Both the patriarchal and matriarchal theories undertake to perform too big a task. They seek to enquire into the beginning of human society. Centuries must separate the most archaic society which we can picture to ourselves from the actual origin of mankind.

(4) Both theories are more sociological than political. They seek to explain the origin of the family rather than that of the State. The nature of the family and that of the State are different in essence, organization, functions and purpose.

The conclusion to which we are led with regard to both the patriarchal and matriarchal theories, can best be summed up in the words of Leacock : 'No single form of the primitive family or group can be asserted.' Here the matriarchal relationship, and there a patriarchal regime, is found to have been the rule, either of which may perhaps be displaced by the other. Indeed one has to admit the fact that there is no such thing as a "beginning" of human society. All that can be asserted is that in course of time the monogamic family tended to become the dominant form, though even until today it has not altogether supplanted other forms of organization.

THE HISTORICAL OR EVOLUTIONARY THEORY OF THE STATE

Over against the above five theories which are more or less speculative in character, is advanced the Historical or Evolutionary theory which furnishes a correct explanation of the origin of the State. According to it, the State is a historical growth or the result of a gradual evolution. It is a continuous development. It cannot be referred back to any single point of time. As Burgess puts it: 'It is the gradual realization... of the universal principles of human nature. It is futile to seek to discover just one cause which will explain the origin of all States. The State must have come into existence owing to a variety of causes, some operating in one place and some in other places. Whatever it is, the State is not the deliberate creation of man any more than language is a conscious invention. Political consciousness must have taken a very long time to develop and the primitive State must have grown along with the development of this consciousness.'

5. *The Evolutionary Theory:*
Factors in State Building.

More profitable than speculation, which seeks to reduce to a single theory the origin of all States, is enquiry into the factors which have gone into the building of the early State. As seen already, the State must have arisen from various causes and under varying

conditions. Its emergence is almost imperceptible. The chief factors which have influenced its formation are :

- I. Kinship,
- II. Religion, and
- III. Political consciousness.

I. Kinship. There can be little doubt that social organization had its origin in kinship. Blood relationship, either real or assumed, was the most important bond of union. It knit together clans and tribes and gave them unity and cohesion. But kin-relationship by itself could not have led to the formation of the State. People had to develop a common consciousness, common interest and common purpose. Kin-relationship must with great difficulty have given place to social relationship. 'Kinship', says MacIver, 'creates society and society at length creates the State (55 : 33)'.

The earliest kinship to be recognized was probably through the mother rather than the father. Man must have been a hunter and wanderer. Polyandry and transient marriage relationships must have been common. Yet mothers and children must have stuck closely together primarily for the sake of the security of children and because of economic necessity. As authority developed organization grew, men gained dominance of groups largely through physical superiority. Other factors which went to the establishment of such a patriarchal society were the domestication of wild animals, increased wealth, control of property, pursuit of pastoral industry, and the institution of slavery. Of these factors, control of wealth was probably the most important. Property had to be possessed securely and disposed of in an orderly manner. This meant the increasing social dominance of the male.

Patriarchal society was organized on the basis of kinship through males. Women came to be regarded more and more as a form of property. Wives had to be sought outside one's own group. Marriage relationships became more permanent and polygamy became common. The Patriarch or the House Father had complete control over the lives and persons of his descendants in the male line. When he died, authority passed to the eldest male descendant. The practice of adoption in order to continue the male line was widespread. This patriarchal community did not go on growing and developing till it became a nation. It broke up into several patriarchal groups, all recognizing some form of allegiance to the original group. The heads of these groups or clans probably formed a council of elders assisting

the Patriarch, who later became the tribal chieftain, and this chieftain combined military, judicial and religious authority. The rulers or chiefs were more concerned with the privileges and powers of the dominant few than with the welfare of the community.

In the patriarchal society custom played a very important part, taking the place of law. As yet there was no conception of morality or a definite sense of legality. The sense of individual initiative and responsibility was altogether lacking. The patriarchal law was enforced by the Patriarch or the House Father who was both the judge and executioner. Custom governed both him and the accused. Custom was the king of men and was only gradually transformed into law. As yet there was no State in any accepted sense of the term, but some of its constituent elements were present. MacIver aptly says that it is a mistake to think 'that wherever we find a "headman" in a savage tribe we are in the presence of the State. We cannot say when or where the State begins. It is implicit in the universal tendency to leadership and subordination, but it emerges only when authority becomes government, and custom is translated into law (55:42).' To quote MacIver again: "Custom is always at work turning example into precedent and precedent into institution".

Patriarchal society differed fundamentally from modern society in the following ways (39: Ch. VIII):

(1) It was *personal*, rather than territorial. Membership in the community was based upon kinship—real or fictitious—rather than on locality. The entire group might migrate without disturbing its organization. Early kings were kings of their people, and not of their land.

(2) It was *exclusive*. It had no lust for numbers. Strangers had to live outside the ancient city walls. They could be admitted into the group only by adoption or as slaves.

(3) It was *non-competitive*. Its life was based on custom. It bound all alike and fixed the scale of social duties and rewards. The idea of change or of progress was looked upon with disfavour.

(4) It was *communal*, not necessarily communistic. It was a series of concentric groups, beginning with the single household, ascending to the village or guild, finally to the tribe or city. Interdependence rather than independence was the ideal. *Laissez faire* was wholly alien to it. It tended to repress individual effort and to restrict the free play of intelligence. The freedom of patriarchal society meant the freedom of the group rather than the freedom of the individual.

The transition from the patriarchal society to modern society was marked by feudalism, and patriarchal ideas long existed after the State was well developed.

II. Religion. A second important factor in the creation of social consciousness and, in turn, in the emergence of the State is early religion. As Gettell observes, kinship and religion were simply two aspects of the same thing. Common worship was even more essential than kinship in accustoming early man to authority and discipline and in developing a keen sense of social solidarity and cohesion. Those outside were regarded as strangers and even as enemies.

Patriarchal religion, says Jenks, was almost universally ancestor-worship, *i.e.*, the cult of deceased ancestors. Patriarchal man must have believed in the continual existence of his ancestor, because he continued to see him in his dreams. He offered him sacrifices and worship and he adhered to all ancestral precedents lest he should in any way offend the deceased. Thus, offering to the dead became a characteristic feature of patriarchal religion. The patriarchal meal gradually came to occupy the place of a religious ceremony. Patriarchal religion was rigidly enforced on all members of the group.

Kinship and religion were so closely intertwined that the Patriarch, who later became the tribal chief, was also the high priest. He was the head of the family (later of the tribe), the guardian and interpreter of customs, high priest, and often the magic man or the medicine man. Such a ruler was naturally looked upon with awe and reverence. He ruled with a rod of iron, and in this, religion was his powerful ally. Despotism in those early days was not an unmixed evil. It strengthened the tribal organization and accustomed men to authority and obligation. It was the best friend of progress and liberty in the early stages. All of this explains how religion and politics went together for a long time and are not completely separated even today.

When the patriarchal tribe began to expand by incorporation or conquest, patriarchal religion was not quite adequate to meet the new situation. It was at this point that nature worship began. Nature worship, in the form of crude animism, was present even in primitive times. But it now appeared in a somewhat advanced form and easily mingled with ancestor-worship and 'served as a sanction for government and law. Religious and political ideas were little differentiated, and obedience to law and to authority rested largely on the belief in the divine power of the ruler and in the sacredness of immemorial institution (24: 45).'

III. Political Consciousness. A third factor in the development of the State is the need that man felt at a very early time for order and protection, and along with it went the lust for power on the part of those who were strong and clever.

Once early man gave up his hunting and wandering habits and took to the pastoral and agriculture life, several changes took place. The population began to multiply. Contacts with neighbouring peoples increased. Wealth accumulated. The idea of property took root. The economic life advanced. All this necessitated some form of organization which would ensure internal order and give protection to person and property. Such an organization received further support from the need that man felt for an authoritative body to regulate social relationships such as those of the family and of marriage, as also from the need for concerted action for purposes of common defence and aggression.

The ambition for power was no doubt a strong motive in the formation of State-institutions. Military activity furnished the best opportunity for the realization of such ambition. In some cases at least 'war begot the king'. Earlier family organizations were gradually replaced by more purely political forms. Successful war leaders became kings and nobles, and society was stratified into classes. Power passed more and more into the hands of select classes who claimed prerogatives and superior rights.

Thus kinship, religion and the need for order and protection 'contributed the organization from which the state usually emerged (24)'. They necessitated some form of law and a government to enforce that law, and the State was the next step in this political evolution.

MACIVER ON THE EVOLUTION OF THE STATE

Looking at the question primarily from the sociological point of view, MacIver traces the State through the family, the institution of property, customary law, and war and conquest. He argues that wherever the family exists government already exists. The earliest type of economy is family economy. In course of time, the heads of families become the council of the community. "The family was the locus of the altar as well as of the workshop of the school as well as of the tribunal".

Customary law is another important factor in the evolution of the State. It precedes judges and courts of law. But if custom is to have

authority it "must be hallowed and sanctioned by myth. If the myth is rejected, the custom collapses (142:38)".

War and conquest, says MacIver, have played their role not only in the extension of the area of government but also in the consolidation of political power.

THE HISTORICAL DEVELOPMENT OF THE STATE

THE EVOLUTION OF THE STATE

WE HAVE so far concerned ourselves with the speculative theories regarding the origin of the State and the factors which have gone into the building of the early State. We now turn our attention to the evolution of the State in historical times. Here we are on more solid ground.

Almost the first type of State which emerged from primitive and patriarchal conditions was the Imperial State, particularly that of the

1. The Early Empire in the Orient Orient. Patriarchal society did not have a large enough area or population to enable it to become a State. There probably existed loose alliances and confederacies of various tribes knit together by ties of blood, real or assumed. But these could not have

produced the extended State. Conquest and domination were necessary before tribal man could accustom himself to larger loyalties and to political authority and obligation.

The warm and fertile plains of the Orient, watered by great rivers, and the plateaus of Mexico and Peru produced the earliest forms of civilization and the earliest State. These were regions where production was plentiful with the least amount of exertion. People multiplied rapidly and soon passed from the earlier family and religious systems to the newer political order. The rapid growth of population and the enervating climate of these warm regions led to the existence of a large servile class. Those who possessed surplus wealth, leisure, and power could easily domineer over the rest and establish despotisms. Social differences and caste distinctions came into vogue. From this state of affairs there soon arose vast empires—such as the Sumerian, the Assyrian, the Persian, the Egyptian, and the Chinese—all centering around cities. With the exception of the Persian empires which attained a degree of unity and stability, these empires were loosely knit together geographically, and loosely organized, and their

authority rested on fear and despotism. For the most part they were merely tax-collecting and recruit-raising agencies. There was no common purpose and no common loyalty. As soon as the ruling dynasty became weak, powerful rivals contested for rule and authority.

The second important stage in the evolution of the State was reached in Greece. Although civilization arose later in Greece than in the Orient, it developed much faster once it got started. The country is peculiarly fitted by its physical environment for political growth and experimentation. *2. The Greek City-State*
The Greek religion and outlook were naturalistic and the people had no awe for their gods. Since nature was not so profuse as in the tropical countries, people looked to colonization and trade. The patriarchal clans took possession of small areas and built their village communities around hills which could be easily defended. Some of these clans were fused by conquest, peaceful union, or ties of kinship. But they never developed a national unity. Local patriotism continued to the end.

In their self-governing and self-sufficient city-states, or rather city-communities (the phrase used by MacIver), the Greeks developed a variety of political organizations. These communities contained the principle of growth. Sparta alone remained conservative and maintained 'a steady tradition of unbroken continuity in its government. In the other States the normal political evolution was from monarchy to aristocracy, from aristocracy to tyranny, and from tyranny to democracy (2: Ch. I).'

The Greek was passionately devoted to his city-state. The only life which mattered to him was a life of partnership in the city. 'Citizenship was a function, almost a profession (55:84).' The Greeks looked upon the city as an ethical institution.

While the Greek city-state reached a very high level of political development and individual liberty, it had many serious drawbacks. For one thing, it rested upon a foundation of slavery. For another, the Greeks could not unite and form a common whole. They never felt a common political consciousness uniting all the Greeks together into a single political whole. The city-states formed loose confederations but nothing more. Frequent wars destroyed in turn the power of the leading cities.

Rome began her political career as a city-state, very much like the city-states of Greece. In the early days, her government was

monarchic. The king was a magistrate, monarch, and high priest all in one. The nobility, known as the Patricians, had a share in political authority. The landless, propertyless common people, known as the Plebeians had no share at the beginning but acquired the privilege later on.

In early Rome, as in the Greek cities, the tendency was towards a democratic form of government. About 500 B.C., monarchy fell and republic was established with two chief magistrates, who later came to be called consuls. For two centuries following the change, the patricians and the plebeians were engaged in a struggle for political control. The economic consequences of many wars intensified the struggle. Finally, the two fighting classes fused into one citizen body, having equal political and civil rights.

At this point Rome began to look outside her borders, with a view to annexing territories. The geographical conditions of Italy favouring conquest over those of Greece, Rome began the realization of her ambition with the incorporation of the neighbouring Italian States. As MacIver notes: 'From early times the Romans had the wit to distinguish between civil right—rights of equality before the law—and political right—rights of membership in the sovereign body (55:97).' Some cities of Italy were given civil rights, but no political rights.

Soon after the conquest of Italy, Rome destroyed Carthage, her only rival in the West, and became a great naval power. A large part of the fragments of Alexander's empire came under her control. By the close of the first century B.C. almost the whole of the entire civilized Western world was united in a single political system.

An effective system of centralized administrative control was developed to hold the empire together. The conquered territory was divided into provinces and over each province was set up a Roman official known as the proconsul, who had full powers in civil and political affairs. The only check which restrained him was the possibility of impeachment at home on his retirement from office. In Rome itself the republican form of government was replaced by military despotism. The emperor became all-powerful. Popular assemblies ceased to have any important functions. The Senate retained prominent position, but the emperor exerted control over it by securing a dominant influence in determining its position. The emperor's decrees finally came to be recognized as law.

By the end of the second century, Roman citizenship was extended

to the provinces. All members of the State were equally subject to the rule of the emperor. During this period the old theory that the ruler received his power from the people gave place to the Divine Origin Theory. Thus the ancient democratic city-State became the autocratic world-empire. Emphasis was shifted from the Greek ideals of liberty, democracy, and local independence to the Roman ideals of unity, order, universal law, and cosmopolitanism.

Comparing the relative contributions and limitations of Greece and Rome, Gettell aptly remarks, 'Greece developed democracy without unity; Rome secured unity without democracy (24:59).'

The downfall of Rome meant the death of the 'State' in Western Europe. A long period of confusion followed. The Teutonic barbarians who invaded Rome from the north were still living in the tribal stage, not yet having conceived of strong central authority. They were lovers of local independence and individual liberty and their kings were simply successful war chiefs. The freemen had a voice in all public affairs.

When such people came into contact with the Roman political system which was characterized by order, unity, and centralization; conflict was the inevitable result. Out of this conflict feudalism arose as a compromise—a compromise between the clan type of society represented by the Teutonic barbarians and the imperial State type represented by Romans. It is easy enough to decry feudalism and belittle its importance in the evolution of the State. It has been rightly said that it was not a system at all. But in the anarchic state into which society had fallen following the decline of Rome, it was feudalism which gave the people of Europe comparative peace and protection and preserved the machinery of the State. It was confusion roughly organized. It marked the transition from the imperialism of the Roman world to the nationalism of the modern world.

On the decline of the Roman empire, the vast territories of Rome fell into the hands of powerful nobles. Each of these nobles became an authority unto himself and each by a process of 'subinfeudation' of land created a community of his own around him. The supreme lord parcelled out his land among the tenants-in-chief, and the tenants-in-chief among the tenants, and the tenants in turn among the vassals and serfs. Thus a hierarchy was built upon the basis of land-holding. A rigid system of classes was established and

*How Feudalism
arose and What
it Meant*

the 'State' was swallowed up in the community. Services of various kinds, particularly military, were rendered to the immediate overlord, and the control of the supreme lord, or king, at the top of the social and economic ladder over the vassals and serfs at the bottom of the ladder was indirect and remote. The loyalty of each class was in the first instance to the class immediately above it. As a result of such limited loyalty, the idea of a sovereign power reigning supreme in a given territory remained foreign to the feudal period. In the place of a system of uniform and impartial law which the Romans had done so much to build up, there was reversion to custom as law. Real political progress was impossible as long as feudal ideas prevailed. Yet feudalism was not synonymous with anarchy. It justified its existence by providing peace and protection to the people of Europe. It was based upon personal loyalty and contract. In its later stage, particularly in England, where allegiance to the king took precedence over allegiance to the immediate lord, it helped the growth of the national State.

Another institution which survived the confusion following the downfall of the Roman Empire was the Christian Church. Christianity began as a humble faith among the lower classes of society, but in the course of a few centuries it reached mighty proportions, and about the year 337 A. D., the Roman Emperor Constantine was converted to Christianity. By the end of the fourth century it was the only recognized religion in the Roman world. It built its organization on the Roman imperial model and when the Empire fell to pieces, it was able to step into its place and give Europe order and peace. During long periods of the Middle Ages, it was able to control the State; and itself became a powerful temporal authority, holding in its possession considerable wealth, especially landed property.

In feudalism the Church found a valuable ally, for it was in the interest of the political aspirations of the Church that Western Europe should be kept divided with no common political superior to offer resistance to the extravagant claims of the Church. The Protestant Reformation which came soon after, in effect ended the secular supremacy of the Church, and the way was prepared for national monarchies.

The Renaissance and the Reformation are generally regarded as marking the beginning of the modern period. These movements quickened the life of Western Europe, which now entered upon a period of unparalleled expansion and conspicuous achievement. In

the very nature of the case, feudalism could not have lasted long. It had a useful role to play so long as conditions were unsettled and there was general disorder and confusion everywhere. But once conditions became settled and the ethnic, linguistic, religious, and territorial bonds gave people a new sense of unity, feudalism was obliged to give way to a superior order of society.

5. *The National State of Modern Times*

National States were coming into existence in England, France, and Spain. Cities grew and commerce developed. The pride of kings, mortified by the arrogant demands of the Popes, led to their breaking away more and more from Papal authority and making themselves masters in their own houses. Because they desired peace and security, the people gave them their loyal support. They looked upon the king as the visible symbol of the national spirit which was beginning to capture their imagination. The use of gunpowder, the rise of national taxation, and the setting up of standing armies freed the national monarch to a great extent from their dependence upon the feudal nobility. The Hundred Years' War and the Wars of the Roses further weakened the authority of the feudal lords and diminished their political importance. By the close of the fifteenth century much of the feudal power was destroyed.

The immediate effect of the teaching of the Reformers was to strengthen the hands of national monarchs. The general tendency of the Reformation teaching was to strengthen the hold of the monarchic principle in monarchic lands and the principle of aristocracy in aristocratic lands. 'In both the effect was to strengthen absolutism in the political sovereign (17).'

Such absolutism, however, did not remain unchallenged very long. With the growth of enlightenment and understanding and realization of their power and importance, the common people began to question the duty of passive obedience to governmental authorities and to demand more and more political rights and privileges. This meant a prolonged contest for political control between the king and the people. In the transition from royal absolutism to democracy the Reformation idea of personal worth played a very important part. The common man acquired a new confidence in himself and he realized the fact that government existed not for its own sake but for the good of the governed. Thus, the ultimate effect of the Reformation teaching was to further the cause of individual liberty and democracy.

Royal absolutism was no doubt necessary to weld people together and to bring order and unity out of feudal disorder and disunity. But once that object was fulfilled, there was no reason for its continuance. The democratic movement started very early in England and its progress was on the whole gradual and peaceful. In France it meant a violent revolution. In other countries, the monarchs generally yielded to the popular will and were content to remain as historic figure-heads under a democratic government. The movement had taken such deep root and had worked so satisfactorily that, till recently, the democratic national State came to be regarded as the final stage in the evolution of the State. Bentham, for instance, hoped to better 'this wicked world by covering it over with Republics'.

Undoubtedly a great deal can be said in favour of the Democratic National State. It would seem reasonable to suppose that every country with a well-defined natural boundary and having a homogeneous and united people should be allowed to govern itself and claim all the rights of a sovereign State, and that the formation of such self-governing and self-determining national States was essential to international peace and goodwill. But the history of the last century has shown that such a policy inevitably leads to rivalry, competition and even war. Colonial empires have well-nigh destroyed the geographic and ethnic unity on which the national State is based. Scientific discoveries of recent years, greater facilities of travel and greater intercourse among the people of the world, international trade on a gigantic scale and the world magnitude of present-day problems, all of which are causing 'the shrinkage of the world', tend to break down narrow ideas of patriotism and national sovereignty and point the way to some form of world federation. Just what form this world federation will take, the future alone can show.

6. *World Federation*

GENERAL FEATURES OF STATE DEVELOPMENT

A study of the evolution of the State as stated by Gettell, leads to five broad conclusions (24 : 65-67).

(1) As in the case of organizations in general, the evolution of the State has been from the simple to the complex. Government has become more complex and complicated than in earlier times. But at the same time there has been an increasing unity and interdependence of governmental organs.

(2) The evolution of the State has meant 'the growth of political consciousness and purposeful action'. The first State came into being not through the deliberate action of man, but largely through natural causes. But with the evolution of the State and increasing intelligence, man was able to discover reasons for the existence of the State and mould the State according to his ideals. State authority came to be based on a more rational and stable foundation. The spread of political consciousness to the people led to the formation of democracies.

(3) As a general rule, the evolution of the State has meant the bringing together under a single state system larger areas and greater numbers of people. Among the factors which have made large states possible today are rapid means of transportation and communication, unprecedented economic development, the growth of self-governing local institutions, and the increasing respect of modern man for law and order.

(4) State development has meant the curtailment of the power of the State in certain areas and the corresponding increase of it in certain others. Religion and the State evolved together in the early stages. But, at the present time, in all civilized countries, the Church and State tend to be entirely separate. It is generally admitted that the State ought not to interfere with such matters as domestic life and personal likes and dislikes as regards food, clothing, fashion, and the like, so long as such freedom is not contrary to public order and safety or laws of decency.

On the other hand, there is an increasing demand for State action in the sphere of public welfare, where individuals cannot or will not help themselves. Thus education, sanitation, the care of defectives, the punishment and prevention of crime are justified by all modern States.

(5) In many ways, the most significant development has been the increasing measure of compromise which has been worked out between the sovereignty of the State and individual liberty. Modern totalitarian States are, however, an exception to the rule. Rigid enforcement of customs and despotic rule were necessary in the early days to make primitive man understand the importance of law and authority. But after this purpose was accomplished, they became rather a hindrance to individual liberty and the unity of the State.

5

THE SOCIAL CONTRACT THEORY OF HOBBS, LOCKE, AND ROUSSEAU

THE names of Hobbes (1588-1679), Locke (1632-1704), and Rousseau (1712-1778) are inextricably interwoven with the social contract theory. Hobbes and Locke in England and Rousseau in France gave this theory its final form.

(A) THE STATE OF NATURE AND THE LAW OF NATURE

Hobbes. Hobbes presents a gloomy view of the state of nature. According to Hobbes, life of man in the state of nature is one of constant warfare on account of the essentially selfish nature of man. In his own forcible words, the life of man, is 'solitary, poor, nasty, brutish, and short'. 'Every man is enemy to every man (35).' Man seeks pleasure, and to ensure pleasure he wants power over others. But he is not able to assert power over others, since, according to Hobbes, the bodily and mental powers of natural man are nearly alike. Hence men stand in natural fear of each other. From this state of fear there arises a state of constant warfare. This does not mean that men actually fight with one another all the time, but that the will to contend is ever present. In such a state there is no place for industry. 'Kill whom you can, take what you can' is the order of the day. There is no law to constrain such actions. Hobbes is not guilty of assuming that such a state of nature is one from which men actually started. All that he is concerned to show is that it is a state into which a country may lapse when there is no settled government for any length of time.

The Social Contract writers assumed that there were laws of nature in the state of nature, but they are not agreed on the nature or basis of these laws. To Hobbes, laws of nature are laws of prudence or expediency, while to Locke they are laws of morality implanted in the human conscience. Hobbes plainly tells us that one's natural rights are one's natural powers. In the natural state, he says, there

can be no morality and no consciousness of obligation. These are possible only after the establishment of law and government. Until laws exist all actions are equally good and right. The 'right of nature' is 'the liberty each man hath to preserve his own life'. The first law of nature is that everybody should aim at securing peace. The second law is that men should be willing, in concert with others, to give up their natural rights. The third law is that men should keep their contracts. The fourth and the last law is that men should show gratitude or return beneficence for beneficence. Duty in Hobbes' system, says Hallowell, coincides with self-interest.

Locke. The views of Locke on the state of nature and the laws of nature are very different. The state of nature to him is not a state of war. It is 'a state of peace, goodwill, mutual assistance, and preservation'. It is a state of liberty, but not of licence. The majority of people in this state obey the law of nature, i.e., the law of inward morality. But there are a few recalcitrants who cause inconvenience to the rest. Consequently, the peaceable people are obliged to take the law into their own hands, and this is always irksome to the average man who wants to be left free to mind his own business. Besides, men are not good judges in their own case. Thus the only disadvantage of the state of nature is that there is in it no recognized system of law and justice.¹ To rectify this deficiency men abandon the state of nature and enter into a civil society by means of a contract. This view of Locke's is far more unreal than that of Hobbes.

Rousseau. Rousseau's picture of the natural man, in his *Discourse on Inequality*, is that of a 'noble savage'. Men in the state of nature are equal, self-sufficient, and contented. They live a life of idyllic happiness and primitive simplicity. But, with the rise of civilization, inequality comes into being. Arts and sciences arise and private property is established. Division of labour, too, comes into existence. All this necessitates the establishment of civil society. The State is thus an evil, but is rendered necessary by the inequalities among men. In his *Social Contract*, Rousseau takes a modified view of the civil state and believes that the advantages of the civil state are greater than those of the natural state. In his own words: 'What man loses by the social

1. According to Locke, the three lacks in the state of nature are:

- (a) 'an established, settled, known law';
- (b) 'a definite and impartial judge'; and
- (c) 'power to back and support the sentence when right, and to give it due execution.'

contract is his natural liberty and an unlimited right to all which attracts him and which he can obtain; what he gains is civil liberty, and the property of what he possesses. To avoid error in the reckonings we must carefully distinguish natural liberty, which has no bounds but the powers of the individual, from the civil liberty which is limited by the general will; and possession, which is only the effect of force on the right of the first occupant, from property, which can only be founded on a positive title (67 : *Bk I, Ch. XIII.*)'

(B) NATURE OF THE CONTRACT

Hobbes. Hobbes posits one contract: the original or social contract; Locke posits two contracts: the social and governmental; and Rousseau posits one. While Hobbes speaks of a contract, it is of no consequence to him whether government really originated in the form of a contract or not. He is more or less aware that it is a historical fiction, but a historical fiction which conveys a philosophical truth. It is simply a device to show that government is not mere force, but in some respects rests on the will of the people. Locke, on the other hand, regards the contract as an actual historical fact. He thinks that there was a time when people did meet together and set up a government.

The contract, as conceived by Hobbes is between the people themselves who emerge from a state of nature. It is not between the people on the one hand and the sovereign on the other. It is a contract among the people themselves to set up a ruler. It is 'as if every man should say to every man, I authorize, and give up my right of governing myself to this man or this assembly of men, on condition that thou give up thy right to him and authorize all his actions in like manner (35 : *Part II, Ch. 17.*)'

It is an absolute surrender of all of one's natural rights to the sovereign, although Hobbes does make some qualifications later on. The sovereign himself is not a party to the contract, but is a result of it. He is absolute. Once powers are conferred on him by the people, they cannot be withdrawn from him. Therefore, people have no right of revolution. The contract which is responsible for the institution of civil society is equally responsible for the establishment of government as well, for Hobbes makes no distinction between the State and government. The consequence of positing one and only one contract is that when a government is overthrown, the State also

goes to pieces and society returns to anarchy, which is an illogical position to take.

Locke. By a first contract civil society is set up and by a second contract people get a government. The natural inference is that the first contract is among the people themselves and the second between the people in their corporate capacity on the one hand, and the ruler on the other. To Hobbes, as seen already, it is the setting up of a government that brings civil society into existence. To Locke setting up a government is a secondary transaction and the dissolution of the government does not mean dissolution of civil society. All that it means is that society will have to set up another government in its place. According to Locke, the surrender of natural right is not complete. People give up certain of their natural rights to a common authority in order that the remaining rights may be kept intact. When the ruler fails to maintain these rights, people are justified in overthrowing him and setting up a new government. In this way, Locke makes his theory the basis of limited monarchy, his object being to uphold the Bloodless Revolution of 1688. To Locke, then, the contract is a limited bargain. Thus in the chapter on property, he says that the government should take only what is necessary to carry on its business. It has not the power to take anything more without the owner's consent. This is quite an unreal view of government. Legislative power is not absolute.

Rousseau. According to Rousseau, the contract is between the individuals in their personal capacity and the individuals in their corporate capacity. A, B, C, D, etc., surrender all their natural rights to the collective whole $A+B+C+D$, etc. No one is a loser; on the contrary, everybody is a gainer, for when anyone is attacked the whole society comes to his rescue. Each person in the state possesses an equal and inalienable portion of the sovereignty of the whole. In Rousseau's own words: 'Each of us puts his person and all his power in common under the supreme direction of the general will, and in our corporate capacity we receive each member as an indivisible part of the whole.' Each man giving himself to all, gives himself to none, and remains as free as before. Rousseau does not believe that the contract is an actual historical occurrence.

(c) SOVEREIGNTY

Hobbes. Hobbes holds that men in the state of nature are simply a multitude of unconnected and warring individuals. Hence the pro-

blem which faces Hobbes is, how can a multitude of such individuals form a single body with single will? The solution to it he finds in the social contract, by virtue of which a sovereign is set up with a single will, who will govern society continually. This single will takes the place of the individual will and at the same time represents them, in accordance with the terms of the contract.

The important point to note is that with whomsoever sovereignty rests, it must be absolute, indivisible, and inalienable. It is the setting up of a sovereign that creates society. Sovereignty is the supreme power on earth. In the sovereign resides the essence of the commonwealth. The sovereign, says Hobbes, may be one, few or many, although Hobbes' own preference is for the one. The advantages which Hobbes points out in favour of monarchy are—

(a) that the private interest of the monarchy is likely to be identified with the general interest of the people;

(b) that monarchy can work much more conveniently than other types of government; and

(c) that a monarchy is likely to remain fixed in his ways.

All these arguments have, no doubt, some amount of force. The practical purpose of Hobbes was to justify royal absolutism. But in doing this he received no thanks from the other supporters of royal absolutism in his day, because they wanted the king to rule by divine right. They argued that if the king's authority was not independent of the people's will, the same people who gave him absolute authority could hand over that authority by means of another contract to a few or to many. Nor would the opponents of monarchy have anything to do with Hobbes, because they wanted to limit the king's power.

The sovereign, says Hobbes, is the supreme law-maker. He cannot do any injustice to his subjects because he represents them. He may commit moral wrong, but he cannot do any legal injustice.

Locke. In Locke there is confusion of all the forms of sovereignty. A recent writer remarks: 'The more closely Locke's treatise is studied, the more clearly will it be seen that it is an attack directed far more against the idea of sovereignty, than against the claims of absolute monarchy (29).' The traditional view of sovereignty is that it should be absolute and indivisible. This view we find in Hobbes, Austin, and many others. But, according to Locke, sovereignty is neither absolute nor indivisible. It seems to be divided between the people on the one hand and the rulers on the other.

Locke's theory of sovereignty means in practice that the people

have sovereign authority in reserve but that the actual power is exercised by the government, i.e., by the king and the parliament as far as England is concerned, and that when the government violates its trust it becomes necessary for the people to withdraw their power from the government. Thus the people are in the nature of a sleeping partner. They let the government carry on the sovereign authority within certain limits till it begins to abuse its power, and when it does that, the sovereign people rouse themselves from their slumber, overthrow the existing government, and set up another government in its place. Locke's theory justifies revolution when it is the act of the whole community. The difficulty is in determining when it is such an act.

The serious error in Locke's theory of sovereignty is in his placing legal limits on the power of the sovereign.

Rousseau. As seen already, according to the terms of the contract, A, B, C, D, etc. surrender their natural rights to the collective whole $A+B+C+D$, etc. Here we have the foundations of popular sovereignty and democratic government. Each citizen has a share in the sovereign power, and each is also a subject in that he has to obey the law, which he himself has made as sovereign authority. Rousseau adopts the view of Hobbes that sovereignty is absolute, inalienable and indivisible. While Hobbes locates it in the wrong place, viz., in the monarch, Rousseau places it in the body politic as a whole. From Locke, Rousseau takes over the distinction between sovereignty and government but does not allow government as much authority as is allowed by Locke. To Rousseau government is only a derivative authority, always, subject to the will of the sovereign people. His sovereign is an ever-active or vigilant sovereign, unlike that of Locke; he does not wait till things are carried to an excess by the government before he rouses himself to action.

The greatest contribution made by Rousseau to political theory is his doctrine of the general will. The general will is the only manifestation of sovereignty. It is vested in the body politic as a whole.

[The doctrine of the general will is discussed in the note at the end of this chapter.]

(D) TYPE OF STATE AND GOVERNMENT

As regards the type of State, Hobbes' theory favours royal absolutism, Locke's theory favours constitutional government or limited monar-

chy while Rousseau's theory results in popular government, and particularly in direct democracy.

In their conception of government, too, the three writers differ fundamentally. Hobbes makes no distinction between State and government. To him the *de facto* government is always *de jure*. Locke and Rousseau, on the other hand, distinguish between State and government and between *de facto* and *de jure* government. As said already, according to Hobbes, dissolution of government means dissolution of the State and return to primitive anarchy, which is absurd. Locke holds that the sovereign people have the right to choose their government and change it when it becomes unsatisfactory. Government is a trust or a moral responsibility. To Rousseau, government is simply an agent or a 'living tool' of the people. It is not the result of a contract. It has only limited authority and this authority is derived from the sovereign people. It has no original power. Its power can at any time be recalled by the sovereign will. The subordinate character of government is brought out by Rousseau in his conception that in their periodic assemblies people decide upon two questions (67 : Book III, Ch. XVIII)

- (1) Do we want the present form of government to continue?
- (2) If we do, do we want the present personnel to continue?

As regards the powers and functions of government, Hobbes gives absolute powers to the government which is also the sovereign. Locke gives the government only limited power, for according to his theory of the contract, people surrender only as much of the natural rights as is necessary to secure the benefit of civil society. Again, Locke distinguishes between the legislative and executive parts of government, which Hobbes had failed to do, and makes the legislative the supreme part of government. Hobbes makes order and security all important. Locke says that government should not only keep order, but govern well. The rulers should rule for the welfare of the subjects. Here Locke makes a definite advance upon Hobbes.

According to Rousseau, the business of government is only executive. Legislation is to be in the hands of the sovereign people. People cannot part with the power to make law without curtailing their sovereign authority. The essence of legislation is *will and will*, in its very nature, cannot be transferred or represented. On this ground Rousseau attacks representative government and makes a powerful plea in favour of direct democracy, such as that which prevailed in the small city-states of Greece. In his own words : 'Sovereignty, for

the same reason as makes it inalienable, cannot be represented; it lies essentially in the general will, and "will" does not admit of representation. It is either the same, or other; there is no intermediate possibility. The deputies of the people therefore are not and cannot be its representative (67 : Book III, Ch. XIV).'

Thus, according to Rousseau, the body politic has the will and the executive carries out the will. But this distinction is incapable of being stretched very far. For, if pressed too far, it would mean that the executive has no will at all, which is a clearly impossible position. The executive is not simply like a policeman who carries out orders. In every country the executive is given a considerable amount of discretion. Therefore, the executive does have a share in the general will.

A second distinction which Rousseau makes between the sovereign people who form the legislative and the executive which is the government, is that the former should concern itself with what is general and the latter with what is particular. This point of view is open to several difficulties. It is obviously difficult to draw a sharp line between what is general and what is particular. Even if we can say that a matter is general if it concerns the whole community equally, and is particular if it concerns a particular class or person, our difficulty is not solved by any means. In the modern State almost every piece of legislation is of a particular kind. There is hardly anything which concerns the whole community equally.

(E) INDIVIDUAL LIBERTY AND THEORY OF RIGHTS

Hobbes, on the whole, adopts the legal theory of rights; Locke bases his teaching on the theory of natural rights; Rousseau derives rights from membership in society and thus paves the way for the idealistic or personality theory rights.

In Hobbes' theory the subject has all those rights which the law allows him. Wherever the law does not put a restraint, the subject retains his natural right. This does not mean that the sovereign's power over life and death is superseded. The sovereign can step in at any time and limit the liberty of the subject. The subject has power wherever the law does not regulate. In Hobbes' thinking, authority and liberty are opposed to one another.

According to Hobbes' view, there is no limit to what the sovereign may command, although there is a limit in extreme cases to the individual's obedience. This is in the very nature of the contract. The sovereign power was established for the security of life and happiness.

When we come to Locke, we find that he makes government depend upon the consent of the governed. The individual has all those rights which he has not surrendered to the State. The State exists mainly to protect life and liberty. Yet Locke so qualifies popular rights as to reduce them to nothing.

According to Rousseau's theory, the individual is as free in the civil state as he was in the state of nature (if not more so) because he does not surrender his right to any outside person. He surrenders them to himself and to others who form the body politic.

Thus we see that, according to Rousseau, man is a free person in the civil state. Whatever restrictions there may be are restrictions which he places upon himself. He obeys a self-imposed law, and this is not a denial of freedom. 'Obedience to a law which we prescribe to ourselves is liberty'.

The only criticism that we wish to offer of this view of freedom is that Rousseau assumes that a complete democracy means complete freedom. Experience shows that this does not always prove to be the case. Rousseau overlooks the possibility of the tyranny of the majority which J. S. Mill greatly apprehended in modern democracies.

TRUTH IN THE THEORIES OF HOBBS, LOCKE AND ROUSSEAU

(Hobbes. The theory of Hobbes as a whole is very consistently developed. Once we grant his premises, his conclusions necessarily follow. Hobbes is an acute thinker. His chief contribution to political theory is his doctrine of legal sovereignty. The chief defect is that he does not supplement legal sovereignty by political sovereignty. Modern writers recognize the truth that behind the legal sovereign, and superior to it, is the political sovereign or the will of the people. Hobbes is mistaken in identifying the will of the state with the will of the *de facto* ruler. Such identification makes it difficult for him to distinguish the State from government. In fact, he goes so far as to say that the State is dissolved on the death of a ruler. *In a state*

Hobbes claims that the sovereign is the representative of the people. But we are bound to say that Hobbes' term 'representative' is not used in its ordinary sense. There is no guarantee that the supposed representative sovereign will really represent the people, *i.e.*, will act for their public good.

It may be argued that the theory of Hobbes allows no liberty to the individual and leaves the individual to the mercy of the ruler.

According to this theory, the individual should wait until his life is in danger before he refuses to obey the sovereign. Advocates of the rights of the people may say that whenever the sovereign acts in a tyrannical way, paying little attention to people's welfare the 'right of resistance' should be asserted. In reply to this argument it must be said that, even on Hobbes' own grounds, whenever the government is badly carried on the contract should disappear. But what is much more important is that Hobbes makes us see the fundamental necessity of a strong government. He realizes the danger of allowing the 'right of resistance' too soon. As Ivor Brown remarks, Hobbes was the first great philosopher of discipline.

For thinkers like Hobbes who start with absolute individualism, it is difficult to get a real insight into society. The starting point of Hobbes is defective. He assumes that man is essentially selfish and that he is actuated solely by the pleasure-pain motive. This is false psychology. Plato, on the other hand, starts with right assumption that the individual is not self-sufficient and that he has no meaning or significance apart from society. In Hobbes the only common element which unites people is their common fear of anarchy. So he is compelled to put the unity of society, apart from the people, in the will of the sovereign. *Leviathan*.

Locke. Locke is the philosopher of the English Revolution of 1688. His Second Treatise on Civil Government was very influential historically. It throws a great deal of light on the ideas of men during the Revolution. It is a political pamphlet rather than a scientific treatise on political theory. It is not so closely argued as Hobbes' *Leviathan*. The central idea in Locke's theory is that the sole function of the government is to satisfy the needs of the people. If a thing works for the public good, Locke does not care much about philosophical consistency. Hobbes makes order and security all-important. Locke says that the government should not only keep order but should also govern well. The ruler should rule for the welfare of the subject. All this leads Locke to recognize the existence of political sovereignty, although he does not fully understand the implications of legal sovereignty. In bringing out the difference between Hobbes and Locke with regard to this point, Gilchrist observes: 'Hobbes gives a theory of legal sovereignty without recognizing the existence and power of political sovereignty; Locke recognizes the force of political sovereignty but does not give adequate recognition to legal sovereignty' (28 : 63).

Rousseau: (1) *Rousseau* retains the language of the contract, but his ideas often surpass the ideas of the contract theory. In the words of *MacIver*: "*Rousseau poured new wine into the old bottle, and the bottle burst.*" Writing in much the same vein, *Lipson* describes the *Social Contract* of *Rousseau* as "a work for the most part closely reasoned, yet containing illogical lapses and elusive concepts which have yielded equal inspiration to mutually incompatible successors."

(2) *Rousseau* combines the best elements in the theories of *Hobbes* and *Locke*. As one writer puts it, he combines the premises and temper of *Hobbes* with the conclusions of *Locke*.

From *Hobbes* he takes over the idea of sovereignty as absolute, inalienable, and indivisible, and from *Locke* he borrows the idea of public good as the test of a good government. The combination of these two ideas results in the doctrine of the general will. Unlike *Locke*, *Rousseau* is not content with insisting merely on the good of the people. He wants control of the people as a whole. "Thus in *Rousseau's* hands the theory becomes fundamentally democratic and the claim is made that the people as a whole shall rule in fact as well as in name.... It was *Rousseau*, above all, who first made positive democracy a live doctrine in the world of politics (*Cole*)."



THE DOCTRINE OF THE GENERAL WILL

The doctrine of the general will has played a very considerable part in recent political discussion. To some thinkers it is a meaningless, if not a dangerous, doctrine. To others it is the cornerstone of democracy and of political philosophy.

In order properly to understand the conception of the general will, it is necessary to go behind that conception and begin with the distinction between 'actual will' and 'real will'. At the very outset, it must be said that the terms 'actual' and 'real' are used in a technical sense in order to convey two different ideas. Therefore, to use the terms interchangeably, as we do in popular conversation, is not fair.

Those who use the term in the technical sense and make the distinction serve as a basis for the conception of the general will, avail themselves of the ever-present conflict that goes on in man between 'I' and 'better than I'. They use the term 'actual will' to describe man's impulsive and unreflective will. It is my will from moment to moment. It does not take into account life as a whole. It considers

self-interest but does not consider it in relation to the well-being of the community at large. It is the individual's rebellious will, his 'transitory' or 'trivial' will. It is narrow and self-contradictory. If I am a reasonable being at all, I try to free myself from this 'actual' will, however intense it may be, and bring myself under the subjection of my 'real' will. My 'real' will expresses my true freedom. It is my 'constant' will, not in the sense of being 'permanent' merely, but in the sense of giving me abiding satisfaction. It is a will purged and purified of at least some of its selfishness. It is my 'good' will. It no doubt takes self-interest into account, but it duly subordinates it to a common interest or common good.

Hobhouse is a vehement critic of the above distinction between the 'actual' will and the 'real' will. He claims that if the 'real' will were worked out it would be so remote from anything that we know that we would not be able even to recognize it. Despite what Hobhouse might say, the 'real' will is present to a substantial extent in the average citizen although we admit that in its fulness it is not complete even in the best of us. The mere fact that a certain desire of mine is intense does not make it 'real'. What makes it 'real' is its conformity to the common good of which the individual good is an intrinsic part. The average man's life is a mixture of the 'actual' and 'real' wills, with a more or less steady progress towards the 'real'.

It is upon the above conception of the 'real' or 'good' will that philosophers have built the doctrine of the general will. General will may be defined as the sum total, or, better still, an organization or synthesis of the 'real' wills of the individuals comprising society. It is the common consciousness of a common end or good. It is the most fundamental of Rousseau's political concepts, although his ideas on it are not always clear. For the original contract which brings civil society into existence, Rousseau thinks that unanimous consent is necessary; but after that, general will is enough. The term 'general will' suggests two ideas to him—the numbers voting and the common interest which it expresses. In one place he says clearly that common interest is more important. To quote his own words: 'What makes the will general is less the number of voters than the common interest uniting them' (67: *Bk. II. Ch. IV*). Yet there are times when he comes dangerously close to identifying general will with a numerical majority.

All of this means that general will is not identical with majority vote or public opinion. So long as genuine public interest is present,

general will may be expressed by the vote of a majority, and even by the vote of a single person. For, the majority opinion may at times be little more than collective selfishness. Nevertheless, we are justified in saying that majority opinion is more likely to be general than the will of a single person or selected class of persons. It is a question of probability. Thus it is that the doctrine of the general will in practical terms leads to the democratic form of government. A democratic organization is likely to be more truly expressive of the general will of the community than an aristocratic or a monarchic organization. But even in an aristocratic or a monarchic organization so long as society holds together and there is no violent conflict, general will may be said to be indirectly present.

HOW GENERAL WILL IS GENERATED

In any society, according to Rousseau, we start with what he calls the Will of All, *i. e.* the particular wills of the members of society. Each member of society looks at any public question before him from his own particular angle. But if it is a decent type of society with the spirit of citizenship present in it, the selfish elements in the wills of the individuals cancel one another out; and as the result of such mutual cancellation we eventually get a general will. Thus we start with the Will of All and arrive at a General Will. This does not mean that the general will is simply a compromise, or the lowest common denominator. It is the expression of the highest in every man.

Such a general will is, according to Rousseau, the only manifestation of sovereignty. When sovereignty acts for the common interest, it is the exercise of the general will. So long as laws are in the common interest, they are an expression of the general will. General will is the key to self-government. When it is in operation, the individual can be 'forced to be free'. In such cases, the individual is forced out of a lower level of living and thinking, and is freed to a higher level of living and thinking. It is like the 'freedom' of a man who is forcibly turned back from walking over a dangerous bridge, the peril of which he did not realize, or of a man who is constrained from contracting himself into a life of slavery.

CHARACTERISTICS OF THE GENERAL WILL

The first characteristic of the general will is its unity. The general will cannot be self-contradictory, because it is a reasonable will. It does not exclude variety. It makes for unity in variety.

Secondly, the general will is characterized by permanence. It is to be looked for directly neither 'in the tempests of popular feeling nor in the vagaries of statesmen. It is to be sought in the character of the people. It is more permanent than any particular act or movement in which it finds expression' (54 : 140).

Thirdly, the general will is always a right will, because it always tends to the welfare of the whole. It aims at what is right and best under any given circumstance. This does not mean that it is infallible. As Rousseau points out the will is always sound but the judgment guiding it may be deficient. It may make errors of judgment, but cannot be morally vicious. People start out with the right aim, although they may be led astray.

Criticism: The doctrine of the general will has been subjected to several lines of criticism.

(1) The conception is said to be too abstract and narrow, unlike anything that we know in the world of practical affairs. If the general will is not to be determined by a majority vote, critics say that it is nothing. It is neither general nor a will.

(2) Some writers say that the doctrine may easily lead to State absolutism. In the name of the 'general will' the worst kind of tyranny may be perpetuated. The phrase 'forced to be free' opens the flood gates of absolutism. There is much force in this criticism.

(3) The doctrine of the general will hinges upon the conception of the common interest, and common interest, it is argued, is very difficult to define. Even the worst of tyrants can justify his action under the pretext of common good. Besides, we cannot always say in advance whether any particular expression of the general will be in the common interest or not. Only the sequel can answer that question.

(4) The objection is raised by some that, even if we grant for the sake of argument that the general will is always right, there is no guarantee that the State machinery will always be right. In reply to this objection we grant that the State machinery is imperfect. But we do not pretend that we can fully realize the general will. All that we can hope to do with the imperfect machinery at our disposal is to approximate to the general will as far as possible. It is in the educated or enlightened public opinion that we should look for the best approximation to the general will of the State.

TRUTH IN THE DOCTRINE OF THE GENERAL WILL

(1) It gives direction to political endeavour. It places before us

a definite goal towards which we can strive in spite of temporary setbacks.

(2) It emphasizes the fact that society is an organic unity and not a mere aggregate of isolated individuals. It shows that the State has a will and unity of its own, in some ways different from the will and unity of its individual members. 'The State indeed has no life apart from the lives of its members, but it has or may have, a longer, broader, and fuller life than that of any individual or of any generation of its citizens' (54: 139).

(3) It demonstrates the truth that 'Will, not force, is the basis of the State.' The conception of the general will does not call for the coercion of the minority *qua* minority. It shows that the policy of the majority can be modified according to the strength and sagacity of the minority.

(4) It teaches that the State is natural in that it has its basis in the will and the natural need of man. 'The State exists and claims our obedience because it is a natural extension of our personality (Cole).'

(5) It shows that the true basis of our democracy is not force, not even consent, but active will.

The reason why we ought to obey the general will is not because it is imposed upon us, but because it is an intrinsic part of ourselves. In obeying the general will of the State we obey ourselves, the very best in us.

LIBERAL IDEAS OF HOBBS, LOCKE AND ROUSSEAU

Hobbes as Founder of the Liberal Tradition.

Hobbes, who superficially appears to be a conservative defender of monarchism, probably produced the most revolutionary theory of his age. His political theory was a defence of absolute government in an age of anarchy. A republican dictator would have been as welcome to Hobbes as a hereditary monarch if he could maintain social peace. His political theory did not recognize dynastic legitimacy or divine sanctions of monarchical rule. "His political philosophy", says Sabine, "had too wide a sweep to make good propaganda, but its drastic logic affected the whole later history of moral and political thought. Its positive influence was not fully developed until the nineteenth century, when his ideas were incorporated in the philosophical radicalism of the Utilitarians and in John Austin's

theory of sovereignty. Hobbes's thought thus served the ends of middle class liberalism, a cause with which the philosopher would have had little sympathy" (162 : 456).

His conception of the state as utilitarian institution consciously designed by man for private security, his egoistic interpretation of human nature and atomic conception of society, the individualistic implications of his psychology and social theory and, finally, the idea of the state as the sovereign social institution were among the most important elements of the political theory of Hobbes which considerably influenced the later development of the liberal tradition.

Locke as Father of English Liberalism.

While the support of Hobbes's political theory to middle class liberalism was unintentional, Locke may be regarded as the avowed father of English liberalism (162:535). He was not a profound philosopher as Hobbes had been. But he symbolized in his personality the classic temper of liberalism in the most characteristic fashion. He was the first consistent defender of constitutional government. His elaborate defence of private property, which was a part of his wider conception of rights, long remained an article of faith of the European liberals. Similarly, his belief that the protection of private rights of the individual is identical with the preservation of the common good of the community was shared by all good liberals of the succeeding generations. His suggestion that governmental authority should be based on the consent of its citizens was another contribution to the philosophy of liberalism.

Locke even preached the right of resistance against established authority. People could legitimately revolt against a government which failed to protect their natural rights. These natural rights consisted of—to use Locke's characteristic phrase—"life, liberty and estate." But this defender of the English Revolution was neither a democrat nor a radical in his political outlook. "The English Revolution", as Sabine says, "did not break violently the tradition of English government, and similarly Locke, its philosophical exponent, was the most conservative of revolutionists" (162:535). In spite of the obviously conservative import of his ideas and numerous ambiguities of his philosophy, Locke became the most important single influence in the development of radical political thought of both America and France in the eighteenth century.

Rousseau, Voltaire and Montesquieu.

The centre of liberal political thought shifted to France in the eighteenth century. While Voltaire and Montesquieu continued Locke's tradition of individualism, Rousseau introduced a collectivistic element in the Liberal tradition for the first time. Montesquieu elaborated his conception of the separation of power as the necessary mechanism of constitutional government for the defence of liberty. Voltaire was the first bourgeois thinker to develop an elaborate conception of civil liberty in a middle-class state. But the representative French thinker of this age was Rousseau. His political thought represented the reactions of that section of the French middle class which was destined to play the most destructive role in enacting the drama of the French Revolution. His political philosophy was collectivistic because it was intended to stir mass action against an established system of tyranny.

There was a romantic element in Rousseau's ideas because they were propounded in an atmosphere which was not rationally suited to their birth. This is what Laski has to say about Rousseau's place in the history of European liberalism: "Radical in theory, with even a proletarian nuance to his thinking, in positive recommendations he added little to his time. It was his special genius less to determine what men thought in matters of social constitution than to disturb their minds so profoundly as to provide new foundations for their thinking. He incarnated in himself all the dissatisfaction and discontent of his time. He taught men to see their wrongs with new intensity. But it is not easy to say whether his influence, as a whole, was radical or conservative. If Marat and Robespierre were his pupils in one generation, Hegel and Savigny were among the greatest of his disciples in the next, and the link between him and the romantic reaction is, of course, direct and profound" (132:112).

Liberalism in the 19th Century.

The nineteenth century is an epoch of triumphant liberalism. In England the utilitarian thinkers, Bentham and John Stuart Mill, made important contributions to individualistic liberalism. Following Hume, Bentham and other utilitarian thinkers rejected the theory of natural rights which was advocated by Locke but invented new utilitarian sanctions for the guarantee of fundamental rights of the citizen by the legal sovereign. Freedom of thought, speech, and

action were now accepted as fundamental liberal values although they were no longer called by the name of natural rights of man. Adam Smith propounded the economic theory of liberalism. The leading commercial and industrial nation of the world adopted the economic and political institutions of liberalism and operated them with a remarkable degree of success. With the emergence of another English-speaking nation on the other side of the Atlantic, the liberal ideas and institutions scored another success.

Idealistic and Collectivistic Elements in Liberalism.

By the end of the nineteenth century, liberalism had become the unchallenged creed of all progressive nations of the world. But the individualistic content of the older liberalism was gradually modified by the intrusions of collectivistic ideas of Rousseau and Hegel into the main body of the liberal political thought. Green, Bradley and Bosanquet led the collectivistic revolt in English liberalism making an earnest effort to restate the principles of liberalism on the basis of an ethical idealism derived partly from the teaching of Plato and Aristotle and partly from the writings of Kant and Hegel (50:63). Tocqueville and Hobhouse manifested an intellectual drift towards collectivism without being idealists.

6

THE JUSTIFICATION AND END OF THE STATE

THE JUSTIFICATION OF THE STATE

EVEN MORE important than investigation into the origin and evolution of the State is the question relating to the justification and end of the State. Merely to show that the State has come into being due to one reason or another is not enough. What we are most concerned with is, why should there be a state at all? Has the State a rational basis?

The State is a way of regulating human conduct, by compulsion if necessary. The will of the State is in many ways superior to all other wills. The State has the power to take away the individual's life, liberty, and property. It commands him to surrender his property by means of taxes and his life upon the battlefield or in punishment for crime. Can all this be justified? Many attempts have been made to justify, and even condemn, the existence of the State in all ages. We shall sum them up under the following heads :

Coker defines anarchism as "the doctrine that political authority in any of its forms is unnecessary and undesirable"

1. *The Anarchistic View* (93:192). Lao-Tse in China, five centuries before Christ, taught something like anarchism in his doctrine of non-assertiveness. Among Western thinkers, William Godwin (1756-1836), an Englishman, was one of the early advocates of anarchism. He was as much opposed to political authority as he was to private property.

Proudhon (1809-1865), a Frenchman, who, according to Coker, was probably the first to call himself an anarchist, declared property to be theft, particularly when it took the form of profits, interest and rent. He attacked both government and private property—the latter for its monopolistic and exploitative tendencies.

Thoreau (1817-1862), an American anarchist, advocated civil disobedience, the non-payment of taxes and the like, thus anticipating Mahatma Gandhi by half a century.

For some reason or other anarchism found a fruitful soil in Russia and France. Coker attributes it to the anti-clericalism of these two countries. In Russia it was expounded by *Bakunin* (1814-1876). *Kropotkin* (1842-1921) and *Tolstoy*. The former two advocated organized revolution and attacked the centralized control of the Marxist system.

According to Bakunin, who founded a kind of proletarian anarchist movement, anarchism is the natural goal of man's moral evolution. Political authority, private property, and religion belong to the lower stages of his development. The State, Bakunin held, debases man's moral nature, because an act done under compulsion has no moral or rational quality. To quote from Coker, "The state makes tyrants and egoists out of the few and servants or dependents out of the many" (93:204).

Bakunin holds that anarchism could be realized both by evolutionary and revolutionary methods, *i.e.*, by education and intrigue. When the State is destroyed, its place is to be taken by a free society based on contract and voluntary association.

Kropotkin, who followed Bakunin, some years later stated his ideas in terms of biology and "human geography". He stressed the co-operative principle in man and animals as against the competitive. He believed in a society of mutual aid. Like Bakunin he thought that the State, private property, and religious authority stood in the way of the realization of the anarchistic goal. Man has not always lived under a State and, therefore, political authority is a later innovation. Ancient habits and usages based on co-operation and instinct of justice are enough to hold men together. Laws formulated by the State have a class bias. Even when they are based on ancient customs, they are such customs as bear heavily on the poor and unfortunate. The modern State thus is not "the guardian of the inherent rights of the individual". Standing armies and prisons are immoral because they help to debase human nature. "Economically, the new order will be that of complete communism" (93:212). Each man is to choose his own work and put in four to five hours of labour at some socially useful service. Man, left to himself prefers work to idleness, order to disorder, social morality to conventional morality, and natural religion to dogmatic religion. In all that he wrote Kropotkin placed emphasis on social responsibility and human brotherhood.

The doctrines of Bakunin and Kropotkin made some appeal to the working classes in the last century, but it was shortlived. In fair-

ness to Bakunin and Kropotkin, it must be said that though they believed in revolution, they never advocated "the terrorism of assassination". They did not go so far as did the Nihilists. Their teaching was that "private property, the state and the church must be got rid of, but not property owners, politicians, and priests" (93:221).

Like the Marxists, anarchists believe in a classless and stateless society, with this qualification that the Marxists and Leninists believe in the need of the State during the transitional period.

Leo Tolstoy was a philosophical anarchist. He was not an arm-chair philosopher, but a literary man who tried to put his socio-philosophical ideas into practice. He was opposed "to a life of luxury, sophistication, and oppression" and exalted "honest labour and simple living" (93:223).

Even though he did not adhere to dogmatic Christianity, his ideas were imbued with Christian ethics. The major Christian principle which he emphasized was love. He opposed the State because it was based on force and not on Christ's teaching, "Resist not evil; but overcome evil by good". Tolstoy was equally opposed to the institution of private property which he held was contrary to the Christian ideal of love and brotherhood.

As to how the anarchistic society was to be brought about, Tolstoy's emphasis was on the regeneration of the individual and not on violent revolution. The anarchistic society, according to him, was to be realized through such means as passive resistance, the non-payment of taxes, refusal to serve on juries, and defiance of laws which do not accord with one's conscience. Two of Tolstoy's anarchistic writings are "The Kingdom of God Within You" and "What Shall We Do Now".

The anarchists find no justification whatsoever for the State. They believe that the State has no rational purpose to serve and that the sooner we eliminate it the better it will be for man's growth and development. The revolutionary anarchists want to subvert the present social order by violent methods. With these anarchists we are not much concerned in a serious study of political science. The type who merit our attention are the philosophical anarchists such as Tolstoy and Kropotkin. Their objection is not so much to the State as such, but to force used by the State. They claim that the truly moral life is realized by one's own effort and that the authority of the State is a hindrance to the development of such morality. They see in this

authority a destruction of all moral values. The State is to them like a red rag to a mad bull. Instead of making man moral, it makes him immoral by the force that it wields. Instead of trusting the individual to do the right thing, it distrusts him and threatens him with punishment. Government, they argue, is therefore not only useless, but also mischievous. According to them, voluntary organization can very well undertake the work of society and, if the State is to be retained at all, it should become a voluntary organization. Laws should take the form of suggestion and advice, and taxes the form of voluntary contribution. As Garner puts it, according to Kropotkin, there is to be "no compulsion, no law and no Government exercising force" (23:448). The "coercive" state is to be replaced by voluntary associations which look after internal order, national defence, and the enforcement of contracts.

The philosophical anarchists believe that society should be governed by love and not by the 'irrational' principle of force. Man should be so educated that he will voluntarily and almost instinctively do that which is true, good, beautiful, and noble. The perfect society they conceive in terms of a love-knit family, untouched by authority. The only kind of government that they are prepared to support is the perfect and unfettered self-government of the individual. Recent anarchists have usually been opposed to the institution of private property as well as to organized religious authority. Bakunin (1814-76) wanted a society which would be anarchistic, collectivistic and atheistic. If his type of society can be called anarchistic communism, that of Thoreau can be called anarchistic individualism.

Criticism: Several lines of criticism suggest themselves in considering philosophical anarchism

(1) We are prepared to concede to the anarchists that true morality is largely self-earned. But this is not to admit that State action means a complete destruction of moral values. The State cannot *directly* promote or enforce morality. Yet it can so order external conditions as to make it possible for the individual to live the good life.

(2) The anarchist is mistaken in thinking that liberty is the greatest of all political goods. Liberty, we need to remind ourselves, is not an end in itself. It is simply a means to an end. Liberty and authority are not opposed to one another, as the anarchist conceives them to be. They are supplementary to and complementary of each other. No human association leaves the individual completely free. Every group implies some restraint upon individual freedom.

(3) The anarchist gives us a faulty picture of human nature. His assumption is that organized political society has debased human character and that once it is removed, man will once again become a noble being. This is very much like the assumption of Rousseau in his essay on *Inequality* that man in the state of nature lived an idyllic life and that the development of civilization has brought about all our present ills. However, Rousseau himself considerably modified this view in his later *Social Contract* and came to the conclusion that the balance of advantage is on the side of the civil state.

The anarchist assumes that we can effect tremendous improvement in human nature by education, persuasion, and moral teaching and that, in some far-off day at least, we can entirely rid ourselves of the State. While we do not want to deny that human nature can be greatly improved by the means suggested and that the scope within which it is possible to improve human nature has not yet been fully discovered, we fear that the abolition of the State at present or in any conceivable future will lead to general disorder and chaos. The brute in man cannot be easily destroyed and it is the coercive authority of the State which keeps it in check.

(4) The anarchist assumes that there is nothing but love in the perfect household. This is a false assumption. Authority, law, and restraint are not evident on the surface in an ideal family. Nevertheless, they are there. As Hearnshaw observes, in order to curb criminal tendencies in the nature of all, it is necessary to have the might of the State in reserve. Therefore, at least for the present, we cannot dispense with the tutelage of government and the sanity of law.

It is wrong to assume that all government means force and aggression. Many of the activities of modern government are in the form of aid and assistance.

(5) The anarchist proposes to do away with the authority of the State and substitute for it the authority of the individual conscience. But the individual conscience, as has been aptly remarked, is an extremely tricky and capricious sovereign.

(6) From the practical point of view, it must be said that the voluntary associations proposed by the anarchists for the defence of the country, police protection and enforcement of contracts, would be found to be totally inadequate if not altogether unworkable.

(7) Destruction of the State would not result in a State of pristine purity but in a state of affairs where the strong would dominate the weak. Or, it may mean reversion to patriarchal or clan type of

society and mankind will have to start all over again the upward climb of centuries.

From very early times people have justified the existence of the State on the supposed ground that it is the creation of God and that obedience to the State is in accordance with Divine purpose. Oriental monarchies were for the most part theocracies. The conception of theocracy was most highly developed among the Hebrews who regarded themselves as God's chosen people. The Jewish State was conceived as the direct result of Divine will and was justified wholly on religious grounds.

2. *The Religious View*

The Greeks, too, justified the State in religious terms, although they did not carry the theocratic conception so far. Among the Greeks the worship of common gods lay at the foundation of State life.

Like the Greek city-state, the Roman State had a religious origin. The Romans, too, had their special divinities and the Roman tribes were knit together by a common religious worship. Later on when Rome became an empire, divine attributes were assigned to the Emperor.

Martin Luther, with whom the Protestant Reformation began, wrote: 'It is in no wise proper for anyone who would be a Christian to set himself up against his government, whether it acts justly or unjustly.' Unfortunately this view is still held by many Christians in Western lands.

Criticism: In this age of scientific enquiry the argument that we should obey the State merely because it is supposed to have been created by God does not carry much conviction. There is no positive proof to show that any State is the direct creation of God. The most that even religious-minded writers are prepared to admit is that State-life is in accordance with a divine purpose. Even if we assume for the sake of argument that the State is divinely created, such a theory does not help us to distinguish right forms of political authority from wrong forms.

From the very early days of political speculation attempt has been made to justify the existence of the State on the ground that it possesses superior physical force. The Sophists held that the State was either the rule of the strong for the oppression of the weak or the combination of the weak, who formed the majority, against the physically strong but less numerous. To Machiavelli the State is only a power

3. *Physical Force*

system. Yet towards the close of his celebrated book, he admits that the power of the State is not for its own sake, but for the sake of the prestige, honour, and well-being of the people.

In modern times, Spinoza, Marx, Engels, Nietzsche, and Spencer have given currency to the view that the State is the embodiment of force. Spinoza held that the state expressed superior physical strength and that its right was limited only by its power. Marx and Engels regarded the State as an instrument of the ruling class. Nietzsche built his theory of the Superman on the basis of physical strength. Spencer held that the State was an expression of mere brute force and that its power should be curbed in the interest of individual liberty.

Criticism: To say that we must obey the State merely because it is the rule of the strongest seems absurd.

The force theory is in essence a revolutionary theory. For, if it is fully worked out, it will mean that any group is justified in asserting itself and securing control of the government as soon as it is physically able to do so. The force of the State is justifiable only so long as it is able to repel other forces. But the moment one of these forces is able to establish itself successfully, it becomes right and the original force ceases to be right. We may, therefore, ask with Rousseau, 'What kind of right is that which perishes when force fails?'

To add one further point, a State in the last resort must use force; but it must be capable of support on moral grounds. In the words of Lipson: "The State must either monopolize the force of the community or risk surrender to whoever can muster counter-force for its overthrow. . . . Power must be clothed with moral approval if it is to receive our willing consent" (140 : 54).

Agreeing with the above view, MacIver labours the point that power is not the same as authority. He says that "because Gandhi had authority he had power". "Power alone has no legitimacy, no mandate, no office" (142 : 83). In early society, power depended on property, status, prestige; etc. Today it is multiform in nature. The mistake made by the Marxists is their over-emphasis on power. "The Marxist teaching is that economic power is always primary in the capitalistic society and that political power is both its offspring and its servant" (142 : 91).

4. The Contract View In the 17th and 18th centuries in Western Europe, the contract view was the most popular in justifying the existence of the State. According to it the authority of the State is justifiable because we have set it up ourselves

by free choice. At first sight, it would appear that there was no better way of justifying the existence of the State than this view. The State, it might be argued, is the product of the will of the individual and, therefore, obedience to it is thoroughly reasonable.

Criticism : A moment's reflection, however, is enough to show that to base political authority on a contract is to base it on shifting sand :

(1) History knows of no State which came into being as the result of a deliberate agreement among men. The State was not deliberately created by particular individuals; it has evolved gradually.

(2) If subjection to the State is justified on the ground of free consent, it is reasonable to demand unanimous consent for every law of the State before it can become operative. Mere majority opinion is not enough. There is no reasonable ground for the coercion of a dissenting minority by the majority. The force of this criticism is clearly brought out in the political theory of Herbert Spencer.

(3) Even if literal consent is possible in any matter, it is ruled out in the modern State by the fact that representative government in some form or other is the only way by which the will of the State can find expression. Direct democracy is impossible under modern conditions. To say that tacit consent is enough in these cases, according to the argument of the contractualists, is not justifiable. 'Because consent involves the notion of a deliberate act of will, something more positive than this (*viz.*, tacit consent) is required' (48: 31).

(4) If consent is freely given, it is logical to argue that it might be freely withdrawn and that those so withdrawing might freely unite again to form another State. Hobbes realized this difficulty and attempted to solve it by declaring that it was a law of nature that men should keep their covenants when made. It is obvious that such an argument carries with it no conviction whatever. It is a pure assumption on the part of Hobbes, which has no support in experience or reason. Other contractualists have argued that people who want to withdraw their consent from the law of the State may be regarded as 'strangers within the State'. This is sheer nonsense.

Many thinkers have tried to justify the existence of the State on utilitarian grounds. They argue that the rationale of the State lies in the fact that it provides law and order, protects the individual against internal and external enemies, enforces contracts, adjusts relationships between individuals and groups, fosters literature, art and science, and provides, in short, the framework within which the life

of society can be carried on with the least possible friction and the maximum advantage possible.

Criticism: There is no doubt that the above justification of the State is much more satisfactory than those that we have previously considered. Nevertheless, it too is open to criticism.

(1) Theories based upon utility are apt to take too narrow and materialistic a view of the State and regard the State as 'a mere public utilities company'. We have considered this point of view in an earlier chapter and have said that the State is not a mere partnership for the attainment of certain material ends. The State should undoubtedly secure the material well-being of its members. But at the same time it has a moral and spiritual function to fulfil.

(2) The utility theory is apt to regard the State as a mere means to the welfare of the individual, while as a matter of fact, it is both a means and an end. The State considers the welfare not only of existing generations but also that of generations yet to be. In this latter respect it may be regarded as an end in itself.

A particular form of the utilitarian justification of the State is expressed by some who emphasize the need for organization. Primitive man did not know the value of organization.

6. *Necessity of Organization* What organization he had was of an elementary character, and more or less instinctive in origin. But civilized times have witnessed the establishment of organization for every conceivable purpose. Experience has taught us that the group can do certain things more successfully than the individual.

Objection: While there is no objection to this justification of the State, it must be said that the criticisms mentioned above in connection with the utilitarian theory hold good here as well. Besides, it is too narrow and inadequate view of the State.

Attempts have been made since the days of Aristotle to show that man has a political instinct and that it is a part of man's nature to be ruled. 7. *The Psychological View*
Man, it is said, is a 'political animal'.

Criticism: If this be so, how do we account for the fact that there are those who deny that they have an instinctive sociability or political sentiment? As Willoughby has aptly pointed out, our problem in political theory is to justify political authority as humanly exercised, and to harmonize it with man's personal freedom. The psychological view does not help us in this task, for it does not show how, or by

whom political authority is to be exercised and how it is to be reconciled with individual freedom.

According to the Idealistic view obedience to the State is justifiable because the State

expresses the best in us. It is not an enemy of man, 8. *The Idealistic*
not even a disinterested observer, but the true friend *View*
of the individual. In obeying the will of the State we
are obeying our own wills, purged and purified of their selfishness.
In their true being, the State and the individual are identical. To use
the language of Hegel, the State is the 'actualisation of freedom' or
'the embodiment of concrete freedom.'

From the idealistic point of view, the State is an ethical institution. It makes possible free social life, without which man cannot realize himself fully. Hence obedience to the State becomes a moral duty.

It is in this manner that T. H. Green justifies obedience to the State. He controverts the popular belief that the root of morality is man's conscience and that of political subjection is force.

Criticism : (1) It will no doubt be said that the view presented here is fanciful inasmuch as there is no actual State which answers to the picture painted. We do not argue, as Hegel did, that the ideal State is identical with the Prussian State of Hegel's day or with any other State. Nevertheless we contend that the State embodies, however imperfectly, the conception of a common good, and it is this conception which is the true source of political subjection.

(2) Those who are opposed to the idealistic justification of the State will probably argue that force creates the State and habit perpetuates it or that political subjection is in the interest of social expediency. There is no doubt that self-interest, force, and fear have played a considerable part in the creation and perpetuation of the State, but they have produced good results only so far as they have been 'fused with and guided by some unselfish element' (29 : XVI).

(3) It may be further said that even if it be granted for the sake of argument that will is the basis of the State, it can be the basis only of the democratic State. How can people have a feeling for the State and an appreciation for the common good unless they actively participate in the legislative and administrative function of the State? This is a forcible criticism, and we are bound to accept it as generally valid.

THE END OF THE STATE

The justification of the State is incomplete without a consideration of

the end or purpose for which the State exists. In discussing this theme it is usual to distinguish between the immediate or proximate end, and the final or ultimate end. While it is easy to determine the former, the latter is more a matter of faith than of knowledge.

To the Greeks the purpose of the State was self-sufficiency. The State, they said, should provide for its citizens all that was necessary for their highest development and happiness. Plato regarded the State as a macrocosm in which the individual could find his proper place and perform the duties for which he was best fitted. The rulers and warriors should give their undivided attention to the highest well-being of the State, and to this end Plato laid down a communistic way of life for them. To the mind of Plato the State was a well-developed organism in which each individual and each class had a particular place to fill and was happy in so doing.

Aristotle believed that the purpose of the State was to secure the development of virtue in the citizens; but he, too, believed in the self-sufficiency of the Greek city-state, which was to produce the greatest happiness in the individual. Thus in his *Politics* Aristotle devotes a whole chapter to this theme. A free-paraphrase of the chapter is as follows :

The State exists not for the sake of wealth or security or society, but for the sake of a *good life*. If life were the only object of the State, slaves and brute animals might form a State, but they cannot, for they have no share in happiness or in a life of free choice. If alliance and security from injustice or exchange and mutual intercourse were the only objects, all who have formed commercial treaties would be citizens of the State. They do not have common magistracies, are not concerned with the wrongs and wickedness of the other States, and do not endeavour to make the citizens what they ought to be. The State also takes into consideration *virtue* and *vice*. It is more than a mere alliance designed for the protection of life and property.

Political society therefore exists for the sake of noble actions, and not for mere companionship, and those who contribute most to such a society have the greatest claim to power.

According to Hobbes, the purpose of the State was to maintain order and the right of property. Hobbes took such a gloomy view of the state of nature preceding the establishment of civil society that he held that any State was better than no State. Tyranny was to him preferable to anarchy. Locke, likewise, claimed that the purpose of the State was to maintain life, liberty, and property, by means of a

known law and a common judge. When we come to Rousseau, we find a revival of the idea that the State exists in order to make good life possible for the individual, although he does not state it in this particular form. He is convinced that the State is not a mere matter of convenience for the gaining of utilitarian ends, but the highest expression of the best in man.

Jeremy Bentham in the early part of the 19th century popularized the idea that the purpose of the State was the promotion of the 'greatest happiness of the greatest number'. This utilitarian view is strongly held even today. It was largely responsible for a great number of reforms in the social and political life of the nineteenth century England. In particular it brought about reforms in the poor law, land law, prison management, divorce law, franchise, and popular education. As Gilchrist observes, it is 'a commonsense expression of the ends of legislation but as a complete expression of the end of the state it breaks down on close examination' (28: 427).

In the nineteenth century many other views were proclaimed regarding the end of the state. One of the most popular of these was the individualistic view that the State existed merely to maintain law. Some writers extended it to include order and security. It was argued that each individual should be left to work out his own salvation free from the activity of the State and that the State should simply provide external and internal protection so that men might live together peaceably.

Some have defined the end of the State as progress. This theory does not say much. It does not state clearly what the end is. The term progress is meaningless apart from the end or goal towards which progress is made. We must determine the end in order to make progress possible.

Those with a socialistic turn of mind claim that the State exists in order to promote 'certain social services, which have nothing to do with protecting the individual from external attacks, nor the maintenance of law as between the individuals in the State, but which have to do primarily with the social interests of the community' (19). Such an end, we find, is coming more and more to the forefront in the practice of modern states, which undertake the care of public

1. *The End as General Happiness*

2. *The End as Maintenance of Order*

3. *The End as Progress*

4. *The End as Social Service*

health and public morals and the promotion of the economic interests of the people. A large group of these writers propose to extend the power of the State so as to include the ownership and management of the means of production and distribution.

5. *The End as Justice* A great many modern writers regard justice as the end of the State. These are usually idealists but not all idealists accept justice as the political end.

While we are prepared to accept the general statement that the end of the State is ethical, we cannot help feeling that justice as a political end is too narrow a view.

Lipson skilfully combines the second and fifth points of view. He claims that the State exists in order to provide protection, order and justice. To quote his own words : "Protection grows into order and order seeks to blossom into justice" (140:61). "If order is to culminate in justice, power must be transmitted into authority" (140:61). Force must take the form of protection; power that of order and authority that of justice.

Is the State an End or Means? A question which has engaged the special attention of modern writers is this : 'Is the state an end in itself or is it only a means?' The ancients, particularly the Greeks, regarded the State as the highest fulfilment of human life and as an end in itself.

The view that the State is an end in itself was revived in recent times by Hegel, who identified the will of the individual with the will of the State. This view has been carried to its logical conclusion by Fascism.

Over against such absolutism is the view of individualists, to many of whom the State is only a means for the promotion of the welfare of the greatest number of individuals. The chief objection to such a view is that the State does not concern itself entirely with the welfare of any one generation.

Therefore, the general consensus of opinion today is that the State is both an end and a means. Thus Willoughby, in *The Nature of the State*, argues that if we look at the state purely from the individualistic point of view, 'it is only a means, instrumentality, or an expedient through which the highest possible development of humanity is obtained. But if the state is considered an institution distinct and apart from the citizens who compose it, it is, of course, . . . an end in itself' (81 : 70).

According to Garner, the triple end of the State is: firstly, the

advancement of the good of the individuals; secondly, the promotion of the collective interests of individuals in their associated capacity; and finally, the furthering of the civilization and progress of the world.

In recent times, in his violent reaction to idealism, Laski has emphasized the State as a means rather than as an end. Laski writes: "For its citizens, a state is what it does; it is not justified merely because it is a state" (50 : 18). "The philosopher may, like Burke, think of the State as a partnership in all virtue and all perfection; the common man thinks of it as a way of being ruled which satisfies his expectation of legitimate satisfactions" (50 : 18).

THE STATE AND CLASSES

Moderation of Class Struggle as the Purpose of the State.

Laski claims that he has adopted the Marxian view of the end, nature and history of the state with certain modifications which were necessary on account of the so-called excessive simplicity of the Marxian analysis. In his famous essay, "The Origin of the Family, Private Property, and the State", Engels said, "The State is therefore by no means a power imposed on society from the outside; just as little is it 'the reality of the moral idea', 'the image and reality of reason', as Hegel asserts. Rather, it is a product of society at a certain stage of development; it is the admission that this society has become entangled in an insoluble contradiction with itself, that it is cleft into irreconcilable antagonisms, which it is powerless to dispel. But in order that these antagonisms, classes with conflicting economic interests, might not consume themselves and society in sterile struggle, a power apparently standing above society became necessary for the *purpose* of moderating the conflict and keeping it within the bonds of 'order'; and this power, arising out of society, but placing itself above it, and increasingly alienating itself from it, is the state".

Lenin fully agrees with Engels in his essay on "The State and Revolution" when he says, "The state is the product and the manifestation of the irreconcilability of class antagonisms. The state arises when, where and to the extent that class antagonisms cannot be objectively reconciled. And, conversely, the existence of the state proves that the class antagonisms are irreconcilable". Laski has admitted that this analysis of the end of the state is basically correct

and no alternative theory has been able to explain its character and justification in a better way.

Coercive Power as the Essence of the State.

Both Marx and Laski think that the essence and justification of the state is its coercive power and the armed forces, the police and bureaucracy are the instruments of that coercion. "The basic struggles", says Laski, "are always struggles between economic classes to secure control of the sovereign power. An economic class may be defined as a group of people whose special place in the productive process is differentiated sharply from that of other groups. That place is defined by the system of economic relationships which the state maintains. The state puts at the service of any dominant class in the society that supreme coercive power which is its essence; unless it possesses this, no class can alter fundamentally its position in the society. A class, therefore, which seeks such a fundamental alteration is bound to capture the state (50:117).

Class Domination as the End of State.

In this connection, Engels has remarked, "As the state arose from the need to hold class antagonisms in check, but as it arose, at the same time, in the midst of the conflict of these classes, it is, as a rule, the state of the most powerful, economically dominant class, which, through the medium of the state, becomes also the politically dominant class, and thus acquires new means of holding down and exploiting the oppressed class. Thus, the state of antiquity was above all the state of the slave-owners for the *purpose* of holding down the slaves, as the feudal state was the organ of the nobility for holding down the peasant-serfs and bondsmen, and the modern representative state is an instrument of exploitation of wage-labour by capital". This shows that historically, the task of the state has been to safeguard the exploitation of one class by another.

The State and Revolution.

When Laski accepts the Marxian argument that every state is basically a class state, he has also to accept, somewhat grudgingly, the need for a violent revolution. He says, "The conclusion we have reached is the grave one that in a society where the instruments of production are privately owned the main fact of significance is the struggle for the possession of the state-power between the class which

owns those instruments, and that which is denied access to the benefits of that ownership. The conclusion implies that the state is always biased in the interest of the former; and those in whose interests its authority is exercised will not surrender their advantages unless they are compelled to do so.....The view here taken is one that naturally disturbs many generous minds. It postulates the inevitability of revolution as the midwife of social change; and it admits that there are phases of human evolution in which men cease to settle their differences in terms of reason, and resort to force as the ultimate arbiter of destiny" (50:138).

Differences in the Approaches of Laski and Marx.

But there is a difference between the approaches of Laski and Marx to revolution. He suggests the recourse to a violent revolution only when the constitutional methods have either been given a fair trial or their employment has been rendered impossible by the ruling class (126:233). On the whole, he takes a brighter view of capitalist democracy than what strict adherence to Marxism would have permitted him to take. "A democratic republic", says Lenin, "is the best possible political shell for capitalism, and, therefore, once capital has gained control of this very best shell, it establishes its powers so securely, so firmly, that no change, either of persons, of institutions, or of parties in the bourgeois-democratic republic, can shake it".¹

Dictatorship as the Essence of the State.

According to Lenin, the forms of bourgeois states are extremely varied, but in essence they are all the same because, in the final analysis, they reveal themselves as the dictatorship of the bourgeoisie. Similarly, there is bound to appear a great variety of political forms of the proletarian states during the transitional phase between capitalism and communism, but they will necessarily be just different forms of the dictatorship of the proletariat. Laski admits that every state including a liberal democracy has a class content but he shirks from what he calls the "excessive simplicity" of this explanation.

1. Lenin : "Selected Works", Vol. II, His essay on "The State and Revolution," p. 149.

Anarchism as the Goal of Communism.

As the Marxian thesis assumes, the state and class antagonisms have a reciprocal relation. It logically follows that with the abolition of class antagonism in a communist society, there will be no need of a state as it has existed in history. In Marxian terminology, the state will wither away. Thus the ultimate goal of communism is anarchism *i.e.* the achievement of classless and stateless society shared equally by Marx, Lenin Bakunin and Kropotkin.

Engels on Classless, Stateless Society.

As Engels has significantly remarked, "The state, then, has not existed from all eternity. There have been societies that did without it, that had no conception of the state and state power. At a certain stage of economic development, which was necessarily bound up with the cleavage of society into classes, the state became a necessity owing to this cleavage. We are now rapidly approaching a state in the development of production at which the existence of these classes not only will have ceased to be a necessity, but will become a positive hindrance to production. They will fall as inevitably as they arose at an earlier stage. Along with them the state will inevitably fall. The society that will organise production on the basis of a free and equal association of the producers will put the whole machinery of state where it will then belong : in the Museum of Antiquities, by the side of the spinning wheel and the bronze axe"¹ (146: Vol. II, 292). In the past, the state had been an instrument of class exploitation and oppression. In the socialist society of the future, such a state will have no reason to exist because the exploitation of one class by another will be abolished.

In his essay on "Communism", Laski has dismissed this part of the Marxian theory of the state as irrelevant to this central thesis. It is that utopian element of the Marxian prophecy which a realistic political thinker like Laski need not consider. As a matter of fact, the theory of the withering away of the state is the logical outcome of his contention that the state is a necessary product of class antagonisms in society.

Laski's Partial Acceptance of the Marxian View on Withering Away of the State.

In "The State in Theory and Practice", Laski somewhat revises

his earlier attitude towards this aspect of the Marxian doctrine. "This is the truth in the Marxian argument," he now admits, "that in a classless society the state, as we know it has always had the function not of preserving law and order as absolute goods seen in the same broad way by all members of the state; the function of the state has always been to preserve that law and that order which are implicit in the purposes of a particular class-society. And since the character of a given class-society is always set by the interests of those who own the instruments of production, it follows that the law and order maintained serve, at every critical point, those interests and those interests only. If, then, the instruments of production were owned by society in common, it follows that the state-power would protect the interests of the whole society and not the interests only of a class in it. Under those circumstances the habits of the state, as we have known them, would clearly undergo a profound transformation. A common organ of government would still be necessary. But the postulates on which it would proceed would not involve the elevation of supreme coercive power to maintaining the economic interests of the property-owning class" (50-206).

This is partial acceptance of the Marxian view that the state becomes superfluous in a socialist society. There is no longer any need of the state as a repressive machinery. In Marxian terminology, the government of persons is replaced by the administration of things and the direction of the process of production by the voluntary efforts of the people.

Conceptions of Individual Liberty and Group Autonomy Revised.

There are certain important consequences of Laski's acceptance of the Marxian conception of the State as an instrument of class domination. In the first place, it has compelled him to revise his earlier notions of liberty conceiving it in the manner of Mill's tradition (49: 161). Secondly, Laski has been obliged to withdraw his former support for the principle of autonomous groups standing on an equal footing with the state. Lastly, he has endeavoured to evolve a comprehensive theory of law in the light of his new Marxian thesis (50:122).

The liberty protected by the capitalist state is merely a liberty for the capitalist class. The judgments of the courts are always biased in favour of the capitalists, and the workers cannot expect equal protection of law on account of the various disabilities imposed

upon them. The fundamental cleavage in society is not between one social group and another but between one economic class and another. Everything has now a class perspective. Religion, culture, laws and politics have a distinct class character. All other distinctions and conflicts lose their significance in comparison with the basic social conflict of the warring classes (126:129).

THE PROPER SPHERE OF STATE ACTION

THE QUESTION of the proper sphere of State action was not of such primary importance in the early days of political speculation as it is in modern times.

1. THE INDIVIDUALISTIC THEORY

The *laissez faire* theory arose as a natural reaction to the mischievous and meddlesome interference which characterized the relation of the State to the individual prior to the eighteenth century. There was also undue restriction on the freedom of trade. With the coming of the industrial revolution in the eighteenth century there was bound to be a reaction against all these forms of State action. There were new inventions revolutionizing the economic life of the people. Goods were being produced on a gigantic scale and new markets were being won where these goods could be sold. In these circumstances, it was natural for men of industry, enterprise, and originality to claim the right to be left alone as far as possible so that they could utilize their powers to the maximum advantage. "Let things alone because the world is self-regulating" was the slogan of the eighteenth century individualism.

In the light of this background, it is not surprising to find that individualism holds that the State is an evil, but an evil, necessitated by the selfishness and rapacity of man. It is a concession to human weakness. Individualism assumes that but for the restraining power of the State there would be no social peace and order. The State should therefore give its undivided thought and attention to the protection of the individual, but the promotion of his welfare falls outside its scope. Its main business is the suppression of violence and fraud. The guiding principle of the individualist is 'maximum possible individual freedom and minimum possible State action'. In the words of J. S. Mill: 'Over himself, over his own body and mind, the individual is sovereign.'

Individualists are not all agreed on what constitutes the legitimate functions of the State. Extreme individualists such as Spencer limit the sphere of State action to

- (a) the protection of the individual against external enemies;
- (b) the protection of the individual against internal enemies; and
- (c) the enforcement of contracts lawfully made.

Individualists of the moderate type are prepared to go much farther. The functions of the State as conceived by them are neatly summed up by Gilchrist as follows:

1. Protection of the state and individuals from foreign aggression.

2. Protection of individuals against each other, that is, from physical injury, slander, and personal restraint.

3. Protection of property from robbery or damage.

4. Protection of individuals against false contract or breach of contract.

5. Protection of the unfit.

6. Protection of individuals against preventable evils such as plague or malaria (28 : 397-8).

The individualists support their position from three different points of view: the ethical, the economic, and the scientific.

It is admitted that freedom of action is essential to the development of character. Without such freedom the individual becomes a mere automaton. What gives joy and meaning to life is the liberty to mould one's life according to one's ideals. The highest development of the individual is possible only when there is opportunity for self-reliance. When the individual is thrown upon his own resources, a powerful incentive is provided for the exercise of his powers of initiative, enterprise, and originality. If he possesses any intrinsic worth, it has an opportunity to manifest itself.

Government action is legitimate up to a certain point. But beyond that it cramps the individual. Over-government kills his sense of initiative and substitutes reliance on government for self-reliance. It creates a pauper mentality, for the individual is tempted to be lazy and indolent and expects others to do for him what he should do for himself. He receives no stimulus for the development of his talents; the consequence is that both the individual and society are losers.

From the point of view of the economic life of man, individualism

assumes that every man is self-seeking and that he knows his interests best. Therefore, the argument runs, if every person is left to himself he will make the best use of his opportunities, benefiting himself directly and society indirectly. Thus if the capitalist is left alone he will look around to see where he can invest his capital to the best advantage.

2. The Economic Argument

Likewise, the labourer will look around to see where he can get the most advantageous terms for his services and offer his services there. Free competition and unrestricted operation of the law of supply and demand are thus in the economic interests of society. Prices, wages, rent, and interests should all be unfettered so that they can adjust themselves to the prevailing economic conditions. Similarly foreign trade should be left free. Artificial aids such as high tariffs and bounties to infant industries should be discouraged. Beyond providing that the market is kept free and open and that fraud and treachery are not practised on one another by the members of society, the State has little to do in the economic field.

Individualism is said to be in accordance with the biological law of the struggle for existence and survival of the fittest.

Herbert Spencer is a chief exponent of this argument. He holds that the law by virtue of which life has evolved in the case of the lower animals and the

3. The Scientific Argument

subhuman species is this law of the struggle for existence and survival of the fittest and argues that the same law should be allowed to operate in the case of man, too, if we are to evolve a race of strong, able and virile human beings. The natural course of progress means that the poor, the weak, and the inefficient must go to the wall. Although such a course means injustice for some individuals, the interests of society demand it.

To these theoretical arguments certain practical reasons are added by the adherents of individualism.

It is argued that when the government attempts to do many things it does them badly. It means red tape and routine, resulting in unnecessary delay and much waste. A great deal of necessary work is left undone. Experience shows that governmental interference produces bad results in many cases. As contrasted with private management, government management produces numerous failures. It lays the door open to jobbery and corruption.

4. Practical Reasons

Besides, the administration of law is not seldom irksome to the

people, either on account of the natural aversion of man to official interference or on account of the nature of the law.

Criticism. Individualism contains an important truth, but it grossly exaggerates it. It over-emphasizes one aspect of man's social life at the expense of others. In reacting against petty laws and meddling legislation, it goes to the other extreme. The arguments sketched above in its favour are decidedly one-sided and, to some extent, even false.

Complex modern civilization makes it difficult, if not impossible, for the individual to develop all his powers harmoniously. There are many situations in the life of today which the individual himself cannot control and for which he requires the action of the State. Without extended State action, there seems no hope for the vast majority to develop themselves fully.

The basis of individualism is unsound. It assumes that man is fundamentally selfish. It bases itself on the hedonistic theory which has long since been exploded. Man possesses not only self-regarding impulses but also other-regarding impulses. Egoism and altruism are present in every man in varying degrees. Therefore to build an entire theory of State action on a single aspect of human nature is not proper. Individual welfare and social welfare are not opposed to each other. They are dependent upon one another. H. G. Wells is not wrong when he says: 'Self-interest never took a man or country to any other end than damnation.'

Individualism assumes that every man knows his own interests best. Experience shows that this is not true in a large number of cases. The individual may know his present, but there is no assurance that he knows his future interests, too. Further, even if the individual is the best judge of his interests, it does not follow that he is necessarily the best judge of the means to such interests. Even such an ardent champion of individual liberty as J. S. Mill admits that society should protect a man against himself when he tries to cross an unsafe bridge or contracts himself into slavery.

The individualist argument is that if each man is allowed to pursue his own interest, everybody will be happy and society will become prosperous. This will be true if the interests of men run parallel to each other and there is no contradiction between them. But experience shows that they are often at cross purposes with each other. We, therefore, require the might of the State to adjudicate differences and to see that no undue advantage is taken of individual weakness.

The starting point of individualism is 'the atomic individual with fringe of right' (9 : 245). Such an individual, it need hardly be said, is only a figment of the imagination. Society is an organism. Therefore, the interests of the individual are not entirely different from those of his fellowmen. The State is not an evil, but a positive good. It is not an artificial creation, but a natural growth. Governmental regulation does not necessarily mean the curtailment of individual freedom.

The individualist places implicit faith in the law of supply and demand and free competition. It is a well-known fact that the law of supply and demand is not as scientific as it is made out to be. Often it is freakish. As for free competition, there is very little of it in practice. It leads to monopolies, trusts, and combinations, the opposites of free competition. The need for a policy of non-intervention in industrial matters is not even half as great today as it was at the time of the Industrial Revolution.

The scientific argument advanced by Spencer is open to several objections.

Survival of the *fittest* does not necessarily mean survival of the *best*. All that the law of the survival of the fittest seems to mean is that that which survives deserves to survive. This is clearly absurd. For, 'if the sole test of fitness to survive is found in the fact of survival then the prosperous burglar becomes an object of commendation and the starving artisan a target of contempt (51 : 346).'¹ Hallowell writes: 'Spencer made the fatal mistake, which many continue to make, of transferring concepts that are appropriate to one science to another where the phenomena are quite different.'

Moreover, what is true of the lower animals is not necessarily true of man, the noblest of creatures. For, when we arrive at man in the scale of evolution we arrive at a startlingly new stage of development. The lower animals passively allow themselves to be adapted to nature. Man, on the other hand, on account of his superior intelligence, is able actively to adapt nature to his needs.

In answering the practical difficulties, it may be said that the fact that governments make mistakes is not necessarily a condemnation of all State action. Individualists point with much satisfaction to the many mistakes made by the government and its officials. They forget that private agencies, too, commit errors. But their mistakes are not so patent or so well known to the public. Those of the government, on the other hand, are generally known to everybody.

As Gilchrist points out, with the advance of democracy the need for individualism is not as great today as at an earlier time. Where democracy prevails and where local government is strong and capable, the line between socialism and individualism tends to become less clear. The objections of individualists to centralized regulation do not have much force with reference to local regulation. In other words, 'municipalization' is not open to some of the objections to which 'nationalization' is open.

Some individualists tend to confuse individuality with eccentricity or oddity of character. This is particularly true of Mill, who treats the individual as a self-centred entity rather than as an intrinsic part of society.

If prevention is better than cure, the State should prevent injury to society as well as cure injury. Pure non-intervention in the conduct of government is impossible. Its logical conclusion is anarchism. To use the language of Leacock, it divorces individual from social rights. It overlooks the plain advantages of co-operative and regulated efforts.

Among the various arguments advanced against the individualistic theory by Laski, the principal one is that it is morally inadequate. Laski observes that it means 'poor health, undeveloped intelligence, miserable homes and work in which the majority can find no human interest. Undue advantage is taken of weakness. The bargaining capacity of the labourer not being the same as that of the capitalist, the labourer often loses out in the economic race. The higgling of the market is the apotheosis of inequality' (47: 191). Supply and demand do not in any way indicate a social value in the reward secured. Great fortunes are made in the advertising enterprise, in slum houses and the like. The higgling of the market so far from being a measure of social values, is likely to destroy all social values.

Summing up the case for and against individualism, Gilchrist notes the following points :

- (1) Individualism emphasizes self-reliance.
- (2) It combats needless governmental interference.
- (3) It urges the value of the individual in society.
- (4) It has helped to destroy useless laws of petty interference.

'But it exaggerates the evils of state control when it forgets that there are more instances of good state actions than of bad. It gives a fundamentally false conception of individuality, and finally, it has proved quite unfitted for the complexity of modern life' (28 : 408).

A 'negatively regulative' State is altogether out of date. We want a State which, while conserving individual freedom and initiative, will at the same time undertake many positive measures in the interest of society as a whole—particularly in the economic, educational and social fields.

2. THE SOCIALISTIC THEORY

The socialist regards the State as a positive good. Therefore, instead of minimum possible State action, he wants the maximum of it. He believes that this is the only way by which social justice can be made possible for the bulk of mankind. He aims at a 'co-operative commonwealth controlling all the means of production and regulating distribution according to some method of joint control'. Under socialism there would be a common ownership of the means of production and exchange and wages would be according to needs. Some socialists advocate equal distribution, others equitable distribution.

The chief merits of socialism may be briefly outlined as follows:

'Socialism protests against the obvious evils of our present social system and urges the need for a radical change. Money and power are concentrated in the hands of a few, and the labourer does not receive his proper due. Since the bargaining capacity of the labourer is not equal to that of the employer, the working man is often obliged to make a forced agreement. The present system leads to grave inequalities of wealth and opportunity. It is also responsible for enormous waste and the duplication of services. There is no planned economy on a nation-wide scale. Unrestricted competition leads to lower wages, over-production, cheap goods, and unemployment. The present system further tends to beget materialism, unfairness, dishonesty, and a general lowering of the standard of individual character' (22 : 302).

Careful planning under socialism will avoid duplication, over-production, unnecessary advertisement, and the production of harmful goods. The socialistic ideal places a much-needed emphasis on altruism and on the cultivation of a desire for social usefulness and for the love of activity for its own sake. Collective ownership and collective management, it is claimed, are thoroughly democratic. According to its supporters, socialism is the next step in democracy. Where socialistic policies and programmes have been adopted in practice, they have succeeded on the whole.

There is no gainsaying the fact that many of the evils pointed out by socialism in our present industrial system are true. We may further concede to the socialist that the only remedy for those evils lies in the substitution of a new economic and political system for the present. But all of this does not mean that socialism has proved its case. The practical difficulties in making it a living reality are too many to be ignored.

The difficulties of administration will probably be stupendous under socialism. The post office, the telegraph, the telephone and railway systems are no doubt managed with considerable success in most countries. But in the absence of competition, we cannot say that they are run on the most economic lines possible. Critics of socialism say that a multiplication of State activities means that the governmental machinery will break down under its own weight. The socialist, it is rightly contended, is over-optimistic in the matter of governmental management.

At the present stage of man's moral development, socialism would mean a tremendous increase of opportunities for corruption, intrigue, and personal spite.

Socialism, it is said, is not conducive to progress. The incentive to labour will probably be destroyed. The activities of the average man today are determined for the most part by the desire for gain and not by any altruistic motive nor by the desire for social usefulness. The socialistic State is likely to check individual initiative. Life would become uniform and even stagnant. New wants would not be stimulated under a governmental regime.

The working man is not as powerless as he is sometimes pictured. Through trade unions and other forms of combination he is not infrequently able to strike a bargain advantageous to himself.

Socialism is likely to mean a restriction of individual freedom and a deterioration of individual character. Herbert Spencer believes that each member of the community as an individual would be slave of the community as a whole. Socialism would repress individuality. Genius would be satisfied and citizens would become lethargic. Individual spontaneity and responsibility would be sapped by bureaucracy and departmentalism would reign supreme.

Production might suffer both in quantity and in quality.

Evaluation of Individualism and Socialism. Both Individualism and Socialism contain an important truth; but they grossly exaggerate it. Both of them, further, are theoretical and doctrinaire. Just as pure

individualism is an impossibility, so is pure socialism. What we need is a system which would somehow preserve our individualities and yet keep society intact as an organic whole. Burns is right when he declares : 'If we could imagine an ideal at once individualistic and socialistic such would be the effective ideal for most thinking men' (10 : 275). For, to quote the same writer again : 'If on the one hand we tend to isolation and selfishness, on the other we tend to lose our individualities in the flood and complexity of "The Great Society" The individualist is right in aiming at the variety of individuals, and so is the socialist in impressing on all their common interest; for the fullest development of each is to be found in the performance of his function in the life of the whole' (10 : 275).

Notwithstanding the obvious defects of socialism, it is perhaps the part of wisdom to adopt a policy of judicious and gradual extension of State activities in the direction of the socialistic ideal,¹ aiming at the same time at the moral elevation of mankind. Free competition may be allowed at the lower levels of production, but when we come to large-scale production which affects the lives of many people, State ownership and control might well be the order of the day.

3. THE IDEALISTIC THEORY

Leaving out the extreme forms of idealism as found in Hegel and confining ourselves to the English idealists, we find there a theory of State action which merits serious consideration. The idealists take an exalted view of the State, regarding it as the embodiment of the best in every man. The State is to them an ethical institution and in obeying it we obey ourselves. Seeing that the idealists give such a glorified place to the State, one would expect them to assign a very wide range of activities to it. Yet, as a matter of fact, they narrowly limit its sphere. The explanation for this seeming contradiction is not far to seek.

To the idealists, the end of the individual and the end of the State are one and the same, *viz.*, the realization of the 'best life' or the promotion of the excellence of human souls (Bosanquet). This end, however, is of such a personal and inward character that for the most part it can be realized by individual effort alone. Moral good is

1. Hobson remarks : 'The State has assumed the duties of a doctor, nurse, school-master, trader, manufacturer, insurance agent, house builder, town planner, railway controller, and a hundred other functions.'

essentially a self-earned good. A further reason for leaving the individual to earn his own moral life is that the instruments at the disposal of the State—force and compulsion—are of so external a character that they cannot very well promote such an inward grace as moral perfection. In the words of Bosanquet, 'the general will (of the State) when it meets us as force and authority resting on force, and not as a social suggestion which we spontaneously rise to accept, comes to us *ex hypothesi* as something which claims to be ourself, but which, for the moment we more or less fail to recognise', with the result that we are abandoned to automatism or stirred to rebellion (5 : 201-202).

The sphere of State action is therefore negative. The State should provide an opportunity for the individual to earn the best life possible for him by removing the obstacles which stand in his way. This means that the function of the State is the 'hindrance of hindrances' to the best life or an 'adjustment of all adjustments'. To undertake more than that would mean a frustration of the moral purpose of the individual.

In the language of T. H. Green, 'only external actions can be matter of obligation. The ideal of law must be determined by reference to the moral end which it serves. Law *can* only enjoin or forbid certain acts; it cannot enjoin or forbid motives. And the only acts which it ought to enjoin or forbid are those of which the doing or not doing *from whatever motive*, is necessary to the moral end of society' (29 : p. IX).

On the basis of this principle, Green condemns much legislation which has tended to weaken religion, self-respect, or family feeling. Applying his formula of 'removal of obstacles to good life' to the conditions prevalent in England in the latter part of the nineteenth century, Green makes a powerful plea for compulsory education, regulation of liquor traffic, greater control of land ownership, and interference with freedom of contract in cases where the contracting parties are at different levels of bargaining power.

Among those who do not subscribe to the idealistic view of State action, there are many who are quite willing to recognize that higher goods like religion and morality are incapable of enforcement by the State. But they see no reason why the State should not regulate economic and social relations with a view to the promotion of the general good. Bosanquet's answer to this interpretation of State action would be that economic and social life is not entirely different from moral and religious life. Economic and social goods have a close relation to moral and spiritual goods.

The State is to protect, to encourage, to organize, but not to promote the good life directly. This is one of the reasons why we place the State above all other institutions and give it the power to keep them in their proper places. Our social, political, economic, and religious organizations are the laboratories in which we try experiments in better life. It is only after preliminary experimentation and success in rousing public conscience in favour of this or that undertaking that we can look to the State for aid. It is only then that we realize a good life.

Criticism : This view of State action seems to exaggerate the distinction between law and morality. While much morality undoubtedly falls outside the sphere of law, the extent to which moral duties are covered by law is not sufficiently realized. The criminal law, for example, exerts moral influence over a wide area.

The idealist places undue emphasis on the negative character of State action. The State, we believe, should undertake both negative and positive measures, taking care, of course, not to deaden spontaneity in its individual members. Provision of free education, for example, is a measure more positive than negative. Green and Bosanquet are mistaken in assuming that every positive measure will lead to automatism and the weakening of character. That will depend, at least partly, upon time place, and circumstance.

Moreover, this theory of State action is open to the danger that the State might wait too long before taking any effective step to 'hinder hindrances to good life'. If the State were to stand aside as a detached observer, letting us struggle for the good life as best we may, it might easily fall into a lethargy from which it would be difficult to rouse it.

A further objection which may be raised is that 'the idealist is so concerned with the spiritual foundation of society in the human conscience, so occupied with the inward man and the autonomy of his free-will, that he is blind to the need of reform of material conditions'. In reply to this objection, it may be said that the ideal and the actual, the spiritual and the material, are not locked up in separate compartments, but are correlated. However true this may be in theory, in practice the correlation is not always clear.

Finally, the formula 'hindrance of hindrances to good life' is so indefinite and vague that it is capable of being used both by the individualist and by the socialist to support their respective theories of State action.

In spite of these limitations the idealistic theory is sound in insisting that whatever the State may or may not do, it should not interfere with the free or disinterested performance of moral acts.

4. OTHER THEORIES

General Welfare. This view underlies the actual operation of Government in most modern states. It is practical and concrete and is capable of easy adaptation to varying circumstances. The strength of this view is due chiefly to the fact that the modern temper is distinctly against purely theoretical arguments and is in favour of practical results. Liberty is no longer regarded as freedom from law, nor is individual freedom measured by the narrowness of the range of state functions. The eighteenth century doctrine of the inherent and inalienable rights of man is practically dead and the emphasis is on Social Welfare. Utilitarian and opportunistic considerations play a conspicuous part in determining the functions of the State. Care is taken to keep in view from a utilitarian standpoint, the best interests of the individual and society. Thus, we find that Jeremy Bentham, the founder of Utilitarianism, enquired into the practical utility of all institutions and laws before he would justify their existence.

Advocates of this view rightly claim that no hard and fast line can be drawn between legitimate and illegitimate State action. Whether the State ought or ought not to interfere in any situation must be decided on the merits of each case. Certain general principles, however, may be laid down governing State action.

- (1) Does the proposed action make for the common good?
- (2) Is it likely to be effective?
- (3) Can it be done without doing more harm than good?

Garner's View. With general welfare as his guiding principle, Garner draws up his view of State action in the following terms: Police duty is not the sole mission of the State. The State ought to do more for its citizens than merely prevent them from robbing or murdering one another. It should contribute to the perfection of the national life, to the development of the nation's wealth and well-being, to its morality and its intelligence. It should secure for every man as effectively as possible those essentials of rational human living which are really each one's right. It should encourage literature, art, and science. It should, in general, be an instrument of

social and economic progress. It ought to intervene and protect society against the evils of private monopoly. The presumption in general, however, is against State interference. Freedom should be the rule and interference the exception. The State should not ordinarily undertake to do for society what the individuals themselves can do as well, or better. Interference should be made, not on any special or doubtful grounds, but only when it can be clearly made out that it will be productive of public advantage. The policy of laissez faire is impossible today, much more so now than in the eighteenth and nineteenth centuries. Liberty is not the end of all human associations. It is merely a means for the realization of the fulness of individual life.

MacIver's View (55 : Ch. 5). His view, which is tinged with pluralism, is that the sphere of State action should be determined by what the State can do as an organ (but not the organ of the community). The question for him is not what the State should or should not do but what the state is permitted to do by other social organizations and by the limited nature of the State itself. The practical working of this view, however, results in much the same conclusions as those of the general welfare theory. The positive and negative tasks of the State, says MacIver, are to establish order and to respect personality. To begin with, the State should not seek to control opinion, *no matter what the opinion may be* (55 : 150), although there are some exceptions.

(1) Incitement to break laws of the State or to defy its authority should be taken cognizance of by the State. Citizens may properly criticize existing laws. They may use peaceful persuasion to convince others and employ all constitutional methods in bringing about the desired change. But law-breaking cannot be tolerated. All this does not mean, however, that the State ought to punish every offender who preaches disloyalty.

(2) 'Like considerations apply to literature which clearly instigates such immoral acts *as are at the same time prohibited by law*' (55 : Ch. 5). Care should be taken to see that the instigation is direct, and not constructive.

(3) Freedom to express opinion does not mean freedom to express libellous or defamatory opinion or publish comments on a case which is *sub judice*.

MacIver agrees with the idealists in holding that it is necessary to separate the inner sanction of morality from political law. Law can-

not prescribe morality. It can prescribe only external actions. It should prescribe only those actions whose mere fulfilment, *from whatever motive*, the State adjudges to be conducive

1. *Law and Morality* to welfare—such actions as tend to promote the physical and social conditions requisite for the expression and development of free—or moral—personality. To turn all moral obligations into legal obligations would be to destroy morality. 'Puritanic' legislation stands self-condemned because it claims that its own morals should be those of all, even to the point of destroying all moral spontaneity that is not its own. 'The ethical appeal is always to the individual's own sense of what is right and wrong, in the last resort always to *his* sense of what is good and evil' (55 : 155). Morality has for its basis the fact of choice. It is inward. It comprehends the unity of personality. The sphere of morality, therefore, can never be coincident with the sphere of political law.

Although law differs from morality, the citizen has a moral responsibility towards political law. He ought to obey it as a general rule. In MacIver's words: 'We obey the law not necessarily because we think that the law is right but because we think it right to obey the law. Otherwise the obedience of every minority would rest on compulsion, and there would be so much friction in the State that its working would be fatally embarrassed. Political obligation is based on the general recognition of the universal service of law and government, for the sake of which we accept specific enactments which in themselves we disapprove (55 : 156).

If morality cannot be enforced directly by law, much less can religion. The church ought not to appeal to the State to coerce those whom the church itself cannot persuade. To do so means to distrust its own moral powers.

Customs are the 'enforced natural growths which reveal the underlying conditions of belief and mode of life' (55 : 160). A State cannot legislate away the rooted customs of its citizens. Conflicts between law and customs are more likely to arise in democracies than in autocracies. Democracies are less homogeneous and more unstable in respect of custom. Therefore they are ready to abrogate customs practised by minority groups. But experience shows, as in the case of prohibition in the United States, that the custom of minorities

stubbornly resists the coercion of law. 'Custom, when attacked, attacks laws in turn; attacks not only the particular law which opposes it, but, what is more vital, the spirit of law-abidingness, the unity of the general will' (55 : 161). 'Dangerous customs may have to be rooted out by legislation. But such instances show at least that the main body of social customs is beyond the range of law and is neither made nor unmade by the State' (55 : 161).

'Over that minor and changeful form of custom called fashion the State has even less control' (55 : 161). 'Here we have a curious illustration of the limitations of the State. A people will follow eagerly the dictates of fashion proclaimed by some unknown coterie in Paris or London or New York, but were the State to decree changes in themselves so insignificant, it would be regarded as monstrous tyranny—it might even lead to revolution' (55 : 161). Witness what happened in Afghanistan when Amanullah tried to change the customs and the traditional costume of his people.

'In general the whole of that living culture which is the expression of the spirit of a people or of an age is beyond the competence of the State. The State reflects it, and does little more.

The State orders life, but does not create it. Culture is the work of the community, sustained by inner forces far more potent than political law' (55 : 161-2).

Art, literature, and music do not come directly within the purview of the State. In all these activities, 'a people or a civilization goes its own way, responsive to influences and conditions for the most part unknown to itself, and where known for the most part uncomprehended and uncontrolled by the State' (55 : 162).

The State 'has the power of life and death over all associations no less than over persons—because of its unabated right to make war and peace'. It 'claims the right to settle political disputes by force. In so doing it elevates political interests to complete supremacy over all other interests'. In declaring war the State puts a particular political object above the general ends of the family, of the cultural life, and of the economic order. MacIver believes that this absolute power of the State should be limited, because it is, according to him, a limited organization and cannot be identified with the nation or the whole community.

The conclusion to which MacIver is driven on the whole ques-

4. *Law and
Fashion*

5. *Law and
Culture*

6. *State and
War*

tion of State action is that, in general terms, the business of the State includes those external conditions of social living which are of universal concern in view of the acknowledged objects of human desire. In particular, it means the preservation of *order* 'for the sake of *protection* and of *conservation* and *development*' (55 : 185). Order for its own sake is futile. It is justified only to the extent to which it serves the needs of the community and it is limited by the ideals of the community, particularly by the ideals of justice and liberty.

In practical terms, the functions of the modern State include all those activities which the State can pursue more efficiently and thoroughly than can individuals or private organizations. It includes the protection of the weak, establishment of a minimum standard of living, maintenance of the minimum conditions necessary for a healthy and decent living, vast works of constructive enterprise such as town planning and town building whose benefits will be shared by future generations, preservation of the countryside, of the beauties of the forest, lake and mountain, fruitful experiments in irrigation, utilization of the soil, breeding of plants and animals, control of insect pests, etc.; promotion of the establishment of industries by mutual aid, control over currency, credit, etc.; encouragement of industry, trade and commerce; conservation and development of human capacities, education, and general promotion of the cultural life. In undertaking all these activities the State should take care not to repress the inner springs of conduct.

CLASSIFICATION OF GOVERNMENTAL FUNCTIONS

Several writers have attempted a classification of governmental functions on the basis largely of what actually prevails in most modern States. These functions are divided into :

- (1) Essential or fundamental, and
- (2) Optional or ministrant.

These include functions which are necessary for the continued existence of the State, for the guaranteeing of the civil and political liberty of the individual, and for the protection of his life, liberty and property against other individuals.

1. Essential Functions They are determined, in other words, by the three-fold relations of State to State, of State to citizen and of citizen to citizen (24 : 364). Woodrow Wilson (39 : 613-14) sums up the essential functions as follows :

- (1) The keeping of order and providing for the protection of persons and property from violence and robbery.
- (2) The fixing of the legal relations between man and wife and between parents and children.
- (3) The regulation of the holding, transmission and interchange of property, and the determination of its liabilities for debt or for crime.
- (4) The determination of contract rights between individuals.
- (5) The definition and punishment of crime.
- (6) The administration of justice in civil cases.
- (7) The determination of the political duties, privileges, and relations of citizens.
- (8) Dealings of the State with foreign powers; the preservation of the State from external danger or encroachment and the advancement of its international interests.

While approving of the above classification, Gettell holds that there are two branches of administration—financial and military—which call for special attention. Under the financial functions he includes the imposition of taxation, the regulation of tariffs, liquor, coinage and currency, and administration of public property, such as public lands and forests, public buildings, and munitions of war and of State monopolies such as post offices and, in some State, of railways and telegraphs. The management of the public debt is an allied function.

Military functions include the maintenance of an army, a navy, and an air force. 'Ordinarily both armies and navies are considered safeguards of peace rather than direct challenges to war; armies being used to maintain internal order, and navies to protect commerce and colonies' (24 : 400-1). In all the leading States a very large proportion of the national income is spent on the army and navy. Even in the United States, where the danger of war in the thirties was comparatively remote, three-fourths of the expenditure of the federal government was used for the army, navy and pensions.

These are functions which are considered to be non-essential for the existence of the State or for the maintenance of individual liberty and security. Yet they are generally undertaken by most States as being necessary for the promotion of general welfare. The line between essential and optional functions is not easy to draw and the two merge into each other. The classification is bound to vary from time to time and from place to place.

2. *Optional Functions*

Optional functions are divisible into socialistic and non-socialistic functions. The socialistic functions are those which can be left to private enterprise, but which are usually undertaken by the State in order to avoid the evils of private control or on account of the greater efficiency of governmental agencies in certain tried fields. Examples of such functions are the ownership and management of railways and telegraphs in some States and the municipal control of water, gas, and electricity.

Non-socialistic functions are those which, if not undertaken by the State, are not likely to be undertaken at all. 'Under this head come care of the poor and incapable, maintenance of public parks and libraries, sanitation, certain forms of education, and the large amount of investigating and statistical work, the purpose of which is to improve the environment and give information by which further improvement may be made' (24 : 396).

Woodrow Wilson sums up the optional or ministrant functions under the following heads:

- '(1) The regulation of trade and industry.
- '(2) The regulation of labour.
- '(3) The maintenance of thoroughfares—including State management of railways and that great group of undertakings which we embrace within the comprehensive term 'internal improvement'.
- '(4) The maintenance of postal and telegraph systems, which is very similar in principle to (3).
- '(5) The manufacture and distribution of gas, the maintenance of water works, etc.
- '(6) Sanitation, including the regulation of trades for sanitary purposes.
- '(7) Education.
- '(8) Care of the poor and incapable.
- '(9) Care and cultivation of forests and like matters, such as the stocking of rivers with fish.
- '(10) Sumptuary laws, such as "prohibition" laws' (28 : 433).

STATE ACTION IN INDIA

The State in India is neither individualistic nor communistic. If anything, it is nearer to socialism than to other theories of State action. It provides for external and internal protection and operates a postal system like any other State. But in addition, it runs the telegraph and telephone system, owns and operates railways and

aeroplanes, and is increasingly bringing bus transport under its management. Several heavy industries and steel plants are directly under its control. Life insurance and banks have been nationalized. Government builds ships, railway engines and wagons, and other railway equipment. It makes electric goods of various kinds. It conducts a dozen or more Scientific Laboratories and hundreds of experimental stations and projects of different kinds. It has several river valley schemes under its control, as also coal development. While the State does not undertake all these services directly, it manages some of them through public corporations.

In addition, the State in India has the major responsibility for the improvement of agriculture, fisheries, cattle and poultry, and for the preservation of forests and wild life and the establishment of national parks. It carries on a vast network of construction programme—irrigation works, public buildings, roads and bridges. It also has the major responsibility for the education and culture of the people. It carries on extensive archaeological excavations and looks after national monuments and ancient works of art in the country. With the help of the rural people rural uplift is being undertaken through community development projects. Co-operative farming has been introduced in some areas and the Zamindari system has been abolished practically all over the country.

Yet considerable scope is left for private enterprise. Except for some amount of state trading and the control of articles in short supply much of the trade and commerce of the country is in private hands. The entire newspaper business and practically the whole of book production are also in private hands. Similar is the case with regard to the manufacture and sale of drugs and toilet requirements. Private bodies still have a considerable share in education, hospital service and the like.

It is customary these days for the private sector to blame the public sector for all its ills and claim that it is receiving a step-motherly treatment at the hands of the Government. This is not a fair charge. The fact of the matter is that the private sector not infrequently suffers from greed and does not scruple to use unethical methods on certain occasions, while the public sector suffers from indifference and lack of initiative. The cure for both types of ills is the cultivation of a high degree of civic sense and patriotism and the translation into daily life of lofty moral and spiritual principles. A friendly competition between the two will be all to the good.

The Swatantra Party is opposed to the socialistic programme of the Congress Party. It claims that the various socialistic experiments in the country are robbing the people of their initiative and enterprise and creating artificial shortages in essential commodities. It is particularly opposed to the abolition of landlordism, the introduction of co-operative farming, and State trading. While the Swatantra Party represents a healthy reaction to the excesses of the Congress Party, it is reactionary on the whole and not in the best interests of the country. If it succeeds in wresting political power, it is likely to set the hands of the economic and social clock backwards by many years.

LIBERAL THEORY OF STATE INTERVENTION IN ECONOMIC LIFE

Liberal thinkers of the twentieth century such as Graham Wallace and Bertrand Russell became even more collectivistic in their outlook as they were confronted by a growing challenge of socialism which represented the ideology of the working class now bent upon to overthrow the economic and political institutions of a middle-class state. The Liberal theory now cast off its revolutionary fervour and became a polite defence of the *status quo*.

Liberal Economic Doctrine.

"What produced liberalism", says Laski, "was the emergence of a new economic society at the end of the middle ages. As a doctrine, it was shaped by the needs of that new society; and, like all social philosophies, it could not transcend the medium in which it was born. Like all social philosophies, therefore, it contained in its birth the conditions of its own destruction" (132:17). The basis of the liberal state should be sought in the economic system which produced it. The first principles of the liberal political philosophy are rooted in its economic doctrines. But the various economic doctrines that were propounded during the Liberal era were not logically cohesive. The only logic behind them was the logic of the class interest that they faithfully served in spite of the apparent contradictions involved in their theory.

Mercantile Theory.

Mercantilism was the first expression of the liberal theory in economics. It justified strong absolute government which should

actively intervene in economic affairs in order to safeguard and promote the interests of commercial and industrial classes. The strong rule of the monarch had already secured social peace in his kingdom. The question was why the absolute power of the state should not be utilized to achieve economic prosperity for the people. The state was strongly urged to remove feudal restrictions on trade, to promote national industries in every way, to reform the currency, to establish a system of protective tariff, and finally, to safeguard the right of commercial and industrial property by every possible means.

With the emergence of the Mercantile theory, the Church ceased to exercise any determining influence on the economic ideas of the mercantile middle class. This class now looked towards the state as its new benevolent master. It felt the need of new legislation that would enable it to earn more wealth. It adopted a frankly materialistic and utilitarian outlook of life. The most characteristic part of the Mercantile theory was reflected in its attitude towards the poor and unemployed who were regarded as nothing short of social criminals deliberately avoiding honest work and effort. Laski rightly thinks that the whole trend of the theory was to construct a state which could adequately answer the needs of the industrialist and trader in the sixteenth century (132:143).

Physiocratic Theory.

But the Mercantilist doctrine of state intervention was reversed by the Physiocrats who demanded that the state ought not to regulate business. The Physiocrats tried to apply the utilitarian ideas of Helvetius in the economic sphere and regarded enlightened self-interest as the basis of a well-regulated society. They pleaded that the legislator must not interfere with the natural operation of economic laws because the only way to secure social happiness and prosperity is to allow each individual to pursue his enlightened self-interest. The purpose of legislation should be restricted to prevention of invasions on individual liberty. But this does not mean that the Physiocrats were against despotic government in general. They were quite content with absolute monarchy if it would guarantee economic liberty to its citizens. They failed to develop any conception of political rights. They also failed to appreciate the necessity of constitutional government. The limits they sought to impose on the action of governments were the limits of nature. As they assumed that the economic laws they sought to vindicate belonged to the realm of

nature, the state was naturally required to refrain from interfering with them.

It is to be noted that the Physiocratic theory was primarily designed to protect the interest of the French farmer and proprietor. There was a definite agrarian emphasis in the economic theory of the Physiocrats which showed that they had not sufficiently realized that feudalism was fast changing into capitalism. There was another defect in the Physiocratic theory. The defect was that it still adopted a purely rationalistic procedure in social theory without attempting an analysis of empirical facts. They opposed state intervention in economic affairs because it was inconsistent with the commands of natural law. They did not oppose it because it was found wanting in empirically observed practice. Curiously enough, Adam Smith made the same mistake by accepting natural law as a valid deterrent to state action.

Adam Smith's Economic Liberalism.

Adam Smith is considered as the most representative exponent of the ideas of economic liberalism. The theory of Adam Smith was more scientific and less sectarian than the Physiocratic theory and interpreted the meaning of contemporary economic transition from feudalism to capitalism in a better way. But Adam Smith was not alone in working out the theory of classical economics which is also known as the theory of *laissez faire*. Ricardo and Malthus made important contributions to the classical theory of economics by developing new theories of population and rent. The views of these writers were not only important in the sphere of economic theory but exercised a determining influence on the development of social and political theory throughout the nineteenth century. The basic creed of *laissez faire* implied the separation of politics from economics because the state was asked to mind its own business and not to interfere in business affairs. The characteristic feature of liberal political thought is this artificial separation of the economic from the political sphere which was not at all practicable in real life. The theory of classical economists was essentially a bourgeois theory which signified the distrust of the English middle class in a state which was still effectively controlled by feudal elements. It was on the other hand an expression of self-confidence which the rising English bourgeoisie felt about the glory of its economic mission.

Two Assumption of the Classical Theory of Economics.

The classical theory of economics was based on two important assumptions which were not quite logically compatible. In the first place, it conceived society simply as the market where a free exchange of goods produces a natural harmony of interests because the individuals are free to purchase and sell goods to the best of their advantage. Secondly, it involved a theory of distribution of social wealth in the form of rent, profits and wages which implied corresponding class conflicts. Ricardo's labour theory of value clearly showed this. He argued that in a free and competitive market the value of commodities is determined by the amount of labour involved in their production. The price of a commodity in exchange fluctuates about its value on the basis of temporary conditions of supply and demand. The operations of a free market will usually enable the producers to get just price of their goods and the consumers will likewise have the satisfaction of having just returns on their money. Malthus and Ricardo in their analysis of rent came to the conclusion that there are singular exceptions to this rule. "The interest of the landlord," as Ricardo said, "is always opposed to the interest of every other class in the community."¹ The rent which the landlord receives cannot be said to be a just return on his labour. Sometimes the value of land increases due to factors with which the landlord has nothing to do and yet he claims all the resultant benefits for himself. While the traders, industrialists, workers and farmers actually work to increase the wealth of the community, the landlord sits tight as a social parasite living on the labour of others. The Malthusian theory of rent based largely on his theory of population argued that the rent which the landlord received was ultimately extracted from the profits of the capitalist since the labourer would get a fixed amount of wages in any case.

Criticism of the Classical Theory.

It is clear from this analysis that the classical theory of economics purported to be a defence of the interests of the commercial classes against land-owners. Besides this, it was simultaneously a defence of the privileges of capitalists against wage-earners. There was another anomaly in this theory. While it accepted natural rights in economics,

1. See Erich Roll's, "*A History of Economic Thought*", Chapter IV, pp. 175-97 for an illuminating discussion of Ricardo's theory.

the defenders of this theory denied them in ethics and politics. While their general philosophical outlook was utilitarian and empirical, their method in economics was rationalistic and doctrinaire. They even failed to examine the logical conclusions of their own premises in the light of facts of daily observation.

Even a liberal critic like Sabine is compelled to remark, "In so far as the labour theory of value was turned into a defence of the natural justice of a competitive labour-market, it was most unfairly applied. Goods were asserted to exchange according to the amounts of labour contained in them. But in a system of capitalist production what was denominated labour had to include capital invested in machinery and the like. This the theory called "accumulated labour", but it was obviously not the capitalist's labour that was accumulated in it. The wage-earner, therefore, was supposed to be justly compensated for his own labour, while the capitalist was compensated for all the accumulated labour of other men that he had in some way got his hands on. Both wages and property-rights to capital were defended as natural, neglecting the fact that the latter especially were the result of historical and institutional accident. It was these qualities of partiality and lack of historical sense that exposed the classical economics to the criticism of Marx" (162:661).

In the same way, Laski also concludes, "The fact is that, granted its assumptions, economic liberalism was a doctrine limited to the service of a narrow section of the community. The price for its operation was paid by the factory operative and the landless worker who, forbidden to combine, largely deprived of the franchise, subject to the courts of law which regarded the preservation of bourgeois ownership as the chief end of life, were largely helpless before the new dispensation" (132:195).

SOCIAL LEGISLATION IN INDIA

BEFORE we close the chapter, it may be of some interest to the student to see how this theory of State action can be applied in a practical manner, say in the field of social reform. What part the government of a country should play in the initiation of social reform is a keenly controversial subject. Whatever be our social and economic theories, it is admitted on all hands that the State can no longer be regarded as a magnified policeman whose business is merely to give protection against internal and external enemies. The State has no *raison d'être* in our present-day world if it does not rapidly become a social welfare State, taking care at the same time not to hamper individual and group initiative and self-help.

The Socialistic Pattern of Society.

With the adoption of the socialistic pattern of society and the welfare state as the avowed goals of India, legislation is bound to play an increasingly important part in removing artificial economic and social inequalities and in bringing into existence a society based on justice and equality. The Constitution of India (1949) bans untouchability altogether as a crime against the State. Every possible effort is being made to eradicate untouchability and provide educational opportunities for the children of Scheduled Castes, and tribal and backward people. Hindu temples all over the country have been thrown open to those of outcaste origin.

In the economic field, the First, Second and Third Five Year Plans have created a few millions of new jobs. Financial and other assistance is being given to small scale and cottage industries. An increasing number of industries is being transferred to the public sector. Life insurance was nationalized earlier and recently banks have been nationalized. The Second and Third Five Year Plans spent about 4,000 crores and 4,100 crores of rupees on public sector respectively. The Fourth Plan envisaged an investment of 15,879 crores and 8,976 crores in rupees in public and private sectors respectively. The number of state industries and irrigation works is going up all the time.

New taxes are being imposed to level off the differences between the rich and the poor and to finance the gigantic state plans. An

Estate Duty Act has been passed, the state taking away a large slice of the property of the deceased. Wealth tax and expenditure tax also have been placed on the statute book. Dearness allowance has come to stay and in most cases it has been increased adding crores of rupees to our national expenditure. The time may come when minimum and maximum of personal income may be determined by the state. The Government has levied surcharge on large incomes besides an additional tax on total incomes. Relief on low incomes is given while steeper and higher rates of income-tax have been levied on large incomes.

Agriculture is receiving greater attention. Co-operative farming is being tried with some success. New land is being all the time brought under plough. Better seeds, sufficient manure and irrigation facilities for better production is being provided. A programme of land for landless is being conducted by Vinoba Bhave and his co-workers. Legislative efforts are being made to equalize the rights of sons and daughters to a father's property.

India today is a beehive of industrial activity. Four steel mills are built by the Government, the fifth at Bokaro is under construction and the next at Salem is to be constructed in the Fourth Plan period. Some of the important industrial undertakings are Assam Oil Refinery, Sindri Fertilisers Factory, Chittaranjan Locomotives, the Heavy Machine Building Plant, Heavy Engineering Corporation at Ranchi and Heavy Electricals, Bhopal. Railway engines, coaches and wagons are being turned out by the hundred. The Fourth Plan envisages a total expenditure of about 24855 crores in rupees (as per revised draft), laying greater stress on industrial and agricultural development.

All of this has a deep sociological effect. People are moving in large numbers into cities. Wages are going up higher and higher, as also prices and cost of living. The anonymous kind of existence in cities leads to crime, drunkenness and the general letting down of social bars. In these circumstances caste and communal control are losing their effectiveness.

Vast changes are taking place in the realm of education. Government is giving every possible encouragement to basic education. Primary education is becoming more widespread. Social education is receiving its due attention. Secondary and University education are being revamped. Increasing attention is being paid to general education. Technical and vocational education as well as women's

THEORIES OF RIGHTS

WE may preface our discussion of the subject by three preliminary observations which should underlie any sound view of rights. In the first place, rights and duties are correlative conceptions; that is to say, every right carries with it a corresponding obligation. They are like the two sides of a coin. Rights depend upon duties. 'It is only in a world of duties that rights have significance' (81 : 119).

Our second observation which is a corollary of the first is that every right requires social recognition. Without such recognition, rights are empty claims. Rights do not exist in a vacuum, so to speak. They require the sanction of society.

Thirdly, a right is not a selfish claim. It is a disinterested desire. It is something which is capable of universal application. In asserting my right, I am really rendering a public service, and when I fight for the rights of others I may do so at great personal loss or inconvenience to myself.

Older societies as a rule did not recognize rights to any great extent. They had only petitions and charities. Modern democratic societies, on the other hand, give a very important place to rights. 'The Revolution (French) did not ask for charity; it demanded the rights of man' (10 : 152). Some of our present-day constitutions such as the Irish and Indian constitutions guarantee certain fundamental rights to their citizens. Rights have a tendency to grow. New rights frequently come into being e.g., the right to work, the right to strike the right to retain one's job when one is on a strike, etc.

Among the various explanations of rights which have been offered from time to time, we can distinguish five main theories. These are .

- (1) the theory of natural rights; *Locke, Rousseau*
- (2) the legal theory of rights; *Hobbes*
- (3) the historical theory of rights or the theory which bases rights on customs; *Lecky*
- (4) the social welfare or the social expediency theory of rights and

(5) the idealistic or personality theory of rights

This is the earliest theory of rights. It goes back to the Greek times. It holds that rights belong to man by nature.

1. *The Theory of Natural Rights.* They inhere in him. They are self-evident truths. One simply asserts them dogmatically. Rights are absolute. They are pre-civil and, according to some, even pre-social. They are inborn. They can be asserted anywhere and everywhere. Thus, Locke says, all men are born free and rational. God has given authority to no man to compel another to carry out his orders. Likewise, the right of life, the right to liberty, the right to judgment, the right to carry out one's judgment, etc. are all natural rights.

This theory of natural rights has played a very important part in the history of human development. Among Western writers, John Locke and Thomas Paine made much use of it. In practical politics it exerted great influence on the constitutional struggles of America and France. Thus the Virginian Constitution declares: 'That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot by any compact deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing, and obtaining happiness and safety' (66 : 5). The French Declarations of 1791 and 1793 use similar language. The Declaration of 1793 names liberty, equality, security, and property as among the important natural rights of man. The American declaration of Independence (1776) holds these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness.

The social contract writers in general are advocates of the theory under consideration. They assume that man had certain natural rights to start with, and that, at the time the contract was formed, he surrendered some of those rights to a superior authority in order to be able to safeguard the rest. This point of view is clearly seen in Locke.

Herbert Spencer, whose political theory has a very strong resemblance to the thought of the social contract writers, asserts that his study of the evolution of life in both the animal and man leads him to the conclusion that the one fundamental right of all men is the right to equal freedom, according to which, every man is free to

do that which he wills, provided he infringes not the equal freedom of others.

Criticism. (a) The most obvious criticism of the theory is that it is very difficult, if not impossible, to define the term 'natural'. D. G. Ritchie has written a whole volume on natural Rights and brings out clearly the various senses in which the term has been used. Some of the senses, which he finds, have been assigned to the terms are:

- (1) Nature = the whole universe
- (2) Nature = the non-human part of the universe
- (3) Nature = the ideal (or completed purpose)
- (4) Nature = the original (the incomplete)
- (5) Nature = the normal or average.

At this point we naturally ask, In which of these various senses are we to understand the term 'nature' in speaking of natural rights?

(b) Seeing that the terms 'nature' and 'natural' are indefinite and are used rather loosely, we are not surprised to find that, among the supporters of the theory of natural rights, there is an ambiguity as to what these rights are. There is no official or complete or generally agreed-upon list of natural rights. Some justify slavery as natural; others condemn it as being unnatural and artificial. Some assert that by nature men and women are equal; others deny it. Some hold that men are naturally good; others believe that by nature they are wicked. Some regard private property a natural right; others deny it altogether.

(c) The so-called natural rights conflict with one another. The French Revolution declared liberty, equality, and fraternity to be the absolute rights of man. They are supposed to be self-evident truths. But when we begin to apply them in practice, we are faced with endless difficulties.¹ In no rational system can there be a place for absolute liberty and absolute equality. If we begin society with absolute liberty, we soon get inequality. On the other hand, if we start with absolute equality, liberty soon vanishes.

Or, turn to the question of property. If property belongs to all, as is assumed by supporters of the theory of natural rights, we must know what that right implies. Does it mean private property? If it does, does it include the right to dispose of one's property as one wills; the right to do exactly what one wills with one's own, even to the extent of abusing it?

1. Even such an obvious right as the right to worship is not conceded by all modern States.

(d) The implication of the theory of natural rights is that the State and social institutions in general are artificial and that they have robbed man of certain inherent rights which belonged to him in a state of nature. The logical conclusion to which the theory of natural rights leads is extreme individualism. It is capable of being used both by anarchists and conservatives.

(e) The real flaw in the theory is that it assumes that we can have rights and obligations independently of society. This is an erroneous conception. We have rights only as members of society. Apart from society, we may have powers but not rights. Rights antecedent to society are meaningless, for the simple reason that a right is nothing without a correlative obligation.

According to this theory, rights are creations of the State. What the law gives me is my right, and what the law does not give me is not my right. Rights are not absolute. They are not inherent in man at all. They are relative to the law of the land. My right to life, liberty, property, etc., is determined by the State.

Rights are artificial.

This theory is opposed to the theory of natural rights. Its advocates argue that the so-called natural laws either agree with the laws of the land or disagree with them. If they agree, they are superfluous, and if they disagree, they are futile. Therefore, in either case, they can be ignored. It is no wonder that Bentham, who is an advocate of the legal theory, ridicules natural rights as being 'nonsense upon stilts'.

We find a trace of this theory in Thomas Hobbes, who holds that the fundamental right of every individual is that of self-preservation. This right, Hobbes believes, can be better maintained by the State than by the individual.

Criticism—(a) Spencer's point of view is that the State does not create rights; it exists in order to maintain rights. N. Wilde remarks: 'The law does not create our rights, but only recognizes them and protects them. The rights themselves exist whether they are thus legalized or not. They are enforced because they are rights, and are not rights because they are enforced.' For ourselves, we believe, that what makes a claim a right is not the mere fact that it is recognized by law, but that it is morally justifiable. A typical right should combine legal and moral recognition.

(b) To say that the State is the sole creator of rights is to make

it absolute. However high a place we may be prepared to give to the State, we are not prepared to go so far as that. Technically, no doubt, the sovereignty of the State is supreme. But there are certain practical limitations imposed upon it by customs, traditions, history and morality. Law is often determined by the customary rule of the community. Not infrequently it is simply the formulations of customs. Justice in very many cases follows customs. Therefore, to argue that all rights are derived from law is unsound.

(c) Some of the advocates of the legal theory of rights seek to overcome the difficulty by saying that the State is only the creator of legal rights. But when they say this they are not saying anything profound. They are guilty of tautology. It is like saying man begets a human child. The defect with the legal theory is that it does not cover the whole scope of rights. Whether rights are derived from history, customs or laws, they all require a moral basis. The legal theory does not enable us to decide whether the rights that are recognized are the rights that ought to be recognized.

Truth in the Theory. (a) While the arguments advanced above go to show that the legal theory cannot give us a satisfactory view of rights, the theory cannot be dismissed lightly. We are not prepared to go to the extent of saying that rights are possible apart from the State. Claims which are essential to the moral development of man, and which are violated or ignored by the State, can at best be only potential rights. They are the raw material or ground of rights, but are not full-fledged rights. It is desirable that in democratic countries, at least, where presumably the general will of the people can bring about necessary changes in a peaceable manner, all our rights should win legal recognition. But this is not the same as saying that whatever has legal recognition behind it is necessarily a right. It may be only a technical right.

(b) As said already, a right should have both a legal and a moral aspect. To quote from Bosanquet: 'A right... has both a legal and moral reference. It is a claim which can be enforced at law, which no moral imperative can be; but it is also recognized to be a claim which ought to be capable of enforcement at law, and thus it has a moral aspect.... A typical 'right' unites the two sides. It both is, and ought to be, capable of being enforced at law' (3:187).

This theory can be summed up in the sentence: 'History makes right.' It holds that rights are the crystallization of customs. We are familiar with the phenomenon of long-standing customs assuming in

course of time the form of rights. If a person has been receiving a birthday present from a friend for a number of years, he soon comes

to imagine it as a right. What is a pure gratuity becomes a custom, and one expects it as a matter of course. The right of way on the public road is a customary right. In cases of divorce the amount of alimony is adjusted not according to the cost of

living, but according to the kind of life to which a person is accustomed. As Ritchie remarks, we often find that 'those rights which people think they ought to have are just those rights which they have been accustomed to have, or which they have a tradition (whether true or false) of having once possessed. Custom is primitive law' (66 : 82). Many of the so-called natural rights, when scrutinized carefully turn out to be claims which have 'the sanction of the longest and the least broken custom,' (66 : 82) while claims, which are of quite recent growth or are not widely adopted, are regarded as 'conventional'.

Edmund Burke has observed that the French Revolution was based on the abstract rights of man, while the English Revolution was based on the customary rights of Englishmen. This statement contains much truth. While as a historical fact the French Revolution was provoked by the conditions which prevailed in the 18th century France, it had for its battle-cry the abstract principles of liberty, equality, and fraternity, applicable to all men. The English Revolution, on the contrary, was simply a reassertion of the rights that Englishmen had enjoyed from very early days and which had found expression in such documents as the Magna Carta and the Petition of Right. In fact, the entire constitutional history of England is summed up by some writers as a struggle for 'liberties', as against liberty.

Criticism: No doubt a large number of our rights are rooted in customs. But to say that all our rights can be traced back to ancient customs is a clear exaggeration. The late Prof. Sumner of Yale claims that the mores or customs of people can make anything right. We do not accept this point of view. In criticizing it, Hocking asks : 'Was slavery right when it was lawful? Was infanticide right?' And the obvious answer is in the negative. According to him, although slavery was customary in most parts of the world, it was never right. The weight of academic opinion, however, is that slavery was a relative right, i. e., right at one time, but not right now when the moral sense

of man is more fully developed. The difficulty with this point of view is that if right is always in relation to custom, reform is impossible. The abolition of Satee and polygamy, the Sarda Marriage Act, and temple entry for the depressed classes (the Harijans) are to a large extent violations of the well-established customs of the country. Yet enlightened public opinion has no hesitation in supporting such reforms.

From the point of view of this theory, rights are conditions of social welfare. They are the creations of society. Advocates of the theory like Roscoe Pound and Prof. Chafee hold that law, custom, natural right, etc., should all yield to what is socially useful or socially desirable. Rights, says Prof. Chafee, are determined by a balance of interests. The right of speech, for instance, is not unlimited. It is determined by considerations of social expediency.

4. *The Social Welfare or the Social Expediency Theory of Rights*

The Utilitarians in general support this theory of rights. Bentham and Mill expressly advocate the principle of utility 'in opposition both (1) to the mere following of custom or external authority, and (2) to the arbitrary appeal to the voice of nature speaking in the human heart—an appeal which can be made in support of abuses, as well as in support of the revolt against them' (66 : 87). They set up the principle of 'the greatest happiness of the greatest number' as the criterion by which to judge of what ought to be. They believe that utility can be determined by means of reason and experience.

Criticism—The social welfare theory of rights no doubt has a great deal to commend it. Nevertheless, it has some serious defects.

(a) Public welfare is undoubtedly a good test of rights. But difficulty arises when we begin to define the term 'public welfare.' Does it mean 'the greatest happiness of the greatest number,' majority interest, public opinion or what the government of the day considers to be the common good? Even if it means any of these, it does not help us much, because these terms are equally vague and indefinite. 'Greatest happiness', as such, cannot be measured. The community, as such, has no feeling.

(b) Another defect of this theory is that social welfare may infringe on what we call our individual rights. It may lead to the position that it is right to do a little injury to an individual in order to do a great deal of good to the community—to the doctrine that the end justifies the means. It may mean in practice general welfare

overruling what is admitted to be a private right. The principle of social expediency is a dangerous principle with which to work. Fortunately, in a good many cases individual right coincides with general welfare. Trouble arises only when the two conflict. When such conflicts arise, advocates of the social welfare theory are bound to prefer common interest to individual good.

From the point of view of this theory, rights may be defined as the outer conditions, essential to man's inner development. The supreme right of every man is the right of personality. By this we mean that it is the right and duty of every human being freely to develop his full potentiality. Every other right is derived from this one fundamental right. Even such important rights as the right to life, the right to liberty, the right to property, etc. are not absolute

5. *The
Idealistic or
Personality
Theory of
Rights*

rights. They are conditional or presumptive. They are relative to the right of personality. Thus, I have a right to life only to the extent to which it is necessary for my highest development. I have no right to commit suicide, for I can never tell with certainty that I have reached the highest perfection possible for me. The moment I abuse my right society is perfectly justified in taking it away from me. Green speaks of rights as powers 'necessary to the fulfilment of man's vocation as a moral being' (29 : 43).

This theory looks at rights from a highly moral point of view. Rights are powers which I can claim from society on a moral plane. They are rooted in the mind or soul of man. They are powers granted to me by society in order that I may, with others, realize a common good of which my good is an intrinsic part. This truth we expressed earlier by saying that every right requires social recognition.

Stating the same truth in other words, we may say that every right has for its basis a rational or responsible wish. Whimsical or irresponsible wishes can never become rights. My wish for anything should be coincident with some wish of the person or persons to whom I address my claim. Dr. Hocking remarks whenever one person claims a right against another, he says to that person: 'If you infringe my rights you hurt yourself in a very central place.' Slavery injures the slave-holder even more than it injures the slave, what the slave suffers is to a large extent physical, while the injury sustained by the slave-holder is moral. In recognizing the rights of others I honour my own strength. In killing an innocent person I kill something of myself.

Criticism and Appreciation: (a) On the whole, the idealistic or personality theory of rights seems the most satisfactory. Difficulty may arise when we begin to reduce the conception of personality to practical terms. It may be asked: by what standard is the State to judge the conditions required by each of its citizens for his fullest self-development? Is not the idea of personality after all a subjective idea? What do we know of other people's destinies? These are no doubt weighty objections.

(b) It is conceivable that to a very large extent the social welfare theory and the idealistic theory, in their relation to rights will go hand in hand because individual good and social good are intimately related¹. But if and when individual good and social good come into conflict, the idealistic theory will go one way and the social welfare theory another. The idealistic theory refuses to sacrifice any human being to the development of someone else. It believes with Kant that no man is to be treated as simply a means to another's end: it calls upon everybody to treat humanity in his own person and in the persons of others always as an end and never merely as a means.

(c) One of the chief merits of this theory is that, unlike the theory of natural rights which posits too many absolutes, and the other three theories which posit no absolutes whatever, it lays down one absolute right, *viz.*, the right of personality and derives every other right from it. Because there is only one absolute right there is no inner contradiction, as in the case of the theory of natural rights. Besides, this theory furnishes a safe test of rights which can be applied at all times, and herein it is superior to the legal, historical, and social welfare theories. The one absolute right of all human beings is the right of personality. It is invariable.

RIGHTS, LIBERTY AND EQUALITY

Laski's Conception of Rights.

The conception of rights occupies an important place in Laski's political theory. He is interested in the problem of rights both as a liberal and as a socialist. As a liberal, he is a great champion of individual liberty. As a socialist, he is also a believer in the ideal of social and economic equality. Laski's interpretation of rights in his earlier

1. Laski is right in saying: "I do not exist solely for the State; but neither does the State exist solely for me." (47:94). They exist for one another and promote each other's good.

phase shows a pluralistic tinge when he argues that a decentralized system of government is a necessary condition for an adequate conception of rights. In his later socialistic phase, he revises his opinion when he advocates nationalization of industries to bring about social and economic equality in society which is now regarded by him as an essential fulfilment of the conception of rights.

It is, however, clear that Laski never accepted that atomistic conception of rights which was advocated by such individualists as Bentham, Adam Smith and Herbert Spencer in the nineteenth century. Yet he is as enthusiastic as Mill was in his defence of intellectual liberty or freedom of the mind. He welcomes Green's innovations in the individualistic tradition of liberalism and agrees with him in saying that liberty cannot be negatively defined as absence of restraint. But he is not prepared to accept Green's defence of private property. Laski, in fact, regards capitalism as a system based upon discriminatory privileges rather than upon equal rights. The true conception of rights can be realized only under conditions of socialism.

Rights Denied Under Fascism.

Laski's passion for rights is evident from the vehemence with which he has denounced the fascist theory. He has reserved his unqualified condemnation only for the fascist system amongst the various ideologies prevailing in the world because the fascist state implies the total repudiation of civil liberties. He regarded the fascist dictators as essentially executioners brought to power by the abnormal circumstances of their countries. He thought that the fascist governments were essentially gangster governments securing obedience from an unwilling people by the use of gangster methods.

As he says, "What Mussolini called the decaying corpse of liberty is the index to their view of human nature. They have no respect for it; they deny its capacity for self-mastery. They believe that the masses are sheep to be used for whatever purposes they may determine. They deny the validity of any aspiration or belief which threatens their right to power. They insist upon a slavish obedience to their will which, at the best, makes hypocrites and sycophants, and, at the worst, turns the dignity of which man is capable into a fawning imitation of their own cruelty" (131:107). Thus he concludes that a regime which denies the enjoyment of rights to its citizens converts human beings into robots. Therefore, rights must

be regarded as the necessary conditions of proper development of human personality.

Danger to Rights in the Modern State.

But the danger to an adequate philosophy of rights in modern times does not come from fascism alone. Liberty, which may be regarded as the quintessence of rights, is neither perfectly secure in a capitalist democracy like America nor, according to him, in a socialist dictatorship like Russia. As Laski points out, "When attacks on liberty are political or economic, it is their motive rather than their nature that changes. A political pattern has the same hold upon its votaries as a religion; the enthusiasts of Moscow and of Washington differ only in the object of their worship. An economic system defends itself in just the same way: the devotees of Marxism in its extreme form have never doubted their right to impose their outlook upon the recalcitrant, even at the cost of blood. In a constitutional state like America the suppression of liberty is called the inhibition of license; in a dictatorship like Moscow it is termed resistance to the admission of incorrect 'bourgeois' notions. A scrutiny of history, moreover, makes it plain that the right to liberty will always be challenged where its consequence is the equalization of some privilege which is not generally shared by men" (49:213).

In fact, Laski does not believe that any political or economic system can be considered as the embodiment of final truth and so there is always a scope for its just criticism and reform. Liberty consists in the affirmation of this right as absolute and inviolable. That this right should be equally shared by all is also quite self-evident.

Rejection of the Theory of Natural Rights

Laski has very carefully distinguished his conception of rights from certain other conceptions which have been widely accepted by political philosophers in different ages. He totally repudiates the view that the rights are those historic conditions, which man possessed in the very dawn of civilization but lost in the process of time. He rather takes an evolutionary view of rights and concludes that a modern democratic state provides greater scope for the enjoyment of rights than any preceding state in history has done. The theory of natural rights is simply absurd because it conceives rights not as the product of a developing social life of the community but as those

prepossessions of human beings which were inherited by the human race from its pre-civic past.

The rights are not static simply because human civilization is not static. If we regard them as the reflections of a natural order, we shall have to deny their essentially dynamic character. In Greek city-states, a free citizen possessed the right to own slaves. Aristotle defended this practice as the reflection of natural principle. In modern times, none can agree with Aristotle in regarding slavery as natural.

Partial Validity of the Legal Theory of Rights.

As regards the legal theory of rights, Laski does not deny its validity in the realm of jurisprudence but considers it as inadequate for the purposes of political science. As he says, "It is an attractive theory; for since the courts enforce the will of the State as they discover that will, we know that claims are immediately entitled to recognition. But so purely legalistic a view has nothing to contribute to an adequate political philosophy. A legal theory of rights will tell us what in fact the character of a State is; it will not tell us, save by the judgment we express upon some particular state, whether the rights there recognised are the rights which need recognition" (47 : 90).

Law does not create rights; it merely defines and recognizes them for a particular legal community. Therefore Laski does not agree with the views of Hobbes and Austin who defined rights as the expression of the will of the sovereign. To do justice with the Austinian view, it is necessary to admit that rights acquire a practical meaning only when the will of the sovereign supports them. In the absence of this support, they remain simply pious wishes or moral aspirations of certain liberal minds in the community.

Rights as Conditions for Self-Realisation.

According to Laski, the rights may be defined as those social conditions which are necessary for self-realization. In this way, the source and content of rights should be sought in a moral realm. Here Laski and Green hold a similar point of view. Both of them regard the development of moral personality as the goal of an adequate system of rights. "But the possession of rights, in the sense here used," says Laski, "does not mean the possession of claims that are empty of all duties. We have rights to protect and to express our

personality. We have rights to safeguard our uniqueness in the vast pressure of social forces. But our rights are not independent of society. We have them because we are members of the State. We have them by reason of an organization through which, in the world as it is, the contribution of that uniqueness can alone be made. Our rights are not independent of society, but inherent in it" (47 : 93).

Thus the purpose of rights is two-fold. In the first place, they aim at the enrichment of human personality. Secondly, they promote social cohesion and collective progress by enabling each individual to shoulder his special responsibility in the communal effort.

Inadequacy of the Liberal Theory of Rights.

It is to be noted that Laski's enumeration of rights does not follow the old liberal and individualistic pattern. He regards the individualistic theory of rights as unfit for the present age and pleads for new socialistic value in our social and political life. "The decay of our political system," says Laski, "is due to its failure to embody a new spirit different from that which it was devised to contain. That new spirit brings with it its own sense of values, its affirmation of a plane of rights antithetic to the old. It is, like its predecessor, a plea for variety in unity, a search for a new balance between order and freedom. Like its predecessor, also, it seeks the means for the affirmation of individual personality. But its way of attaining its ends is wholly different from that which marked the previous path" (126 : 61).

Laski thinks that we must discover a new basis of defining rights in the light of changed social conditions. As he points out, "The error which was inherent in capitalist democracy was its atomic conception of social life. That error, regarded historically, was intelligible enough. It was a protest against controls upon individual behaviour exercised in the name of a small oligarchy whose actions were rarely referable to rational principle. Its exercise of authority made government itself seem a necessary evil. The more narrow the sphere of its operations, the greater, it was argued, would be the freedom of citizens" (126 : 62). In fact, the antithesis between the state action and individual rights evolved by the liberal thinkers was based upon a misconception of the relationship between the individual and the community.

Rights as Privileges of the Ruling Class Under Capitalism.

When the liberal writers were pleading for individual liberty,

they were only in search of an ideological justification for the *laissez faire* economy. As Laski says, "The liberal state, though it represented a definite gain in social freedom upon any previous social order, was in fact no more than the exchange of one privileged class for another. And its refusal to link political liberty with social equality had grave consequences. It brought into the control of authority a race of men whose idea of good was built in the association of material success with civic virtue. The 'private war' of which Sir Henry Maine spoke was for them morally beneficent. They equated effective economic demand with right. They argued that for the weaker to go to the wall was a law of nature to which we were disobedient at our peril" (131 : 305).

The area of freedom was strictly confined within the social borders of the ruling capitalist class and the majority of toilers did not enjoy any rights in substance. "The liberal state," says Laski, "began in a condition of society in which the few were rich and the many poor; it ended in a condition in which the few were still rich and the many poor. Its explanations of this situation were hardly satisfactory. No one believed that the difference between rich and poor was really due to ability or moral worth. Few could see why, if wealth was scarce, the recognition of an equal claim to its benefits did not represent the maximum social advantage" (126 : 63). Thus Laski wants to indict capitalist democracy for its failure to bring about social and economic equality.

Denial of Economic Equality in Capitalist Society.

In a capitalist democracy, the absence of social and economic equality results in a practical differentiation and discrimination in the enjoyment of rights, by different groups and classes in the community. Laski points out that people in a class-ridden society do not share equally "in the gain as well as in the toil of living". Capitalist society of today provides greater opportunity for moral and material development of human personality than any previous social system but even then this opportunity for self-realisation is limited to a small section of the population. The state is not neutral or impartial in the distribution of rights. It favours those who are economically powerful. The courts discriminate between the rich and poor while administering these rights. Not only wealth but knowledge is shared unequally by people. Liberty is protected on a class basis and it is a privilege of the rich.

The masses are asked to maintain order because disorder may threaten the liberty of their rulers. The islands of prosperity are created in the midst of popular misery, unemployment and starvation. "Our knowledge", says Laski, "increases by leaps and bounds; but those who have genuine access to the intellectual heritage of the race are still but a fragment of the people.....The rule of the rich, whether of landed men or of those who owned industrial capital, has been devoted firstly to the accumulation of wealth, and secondly to preventing its diffusion. The whole character of social life, and, therefore, the whole character of the state, is above all determined by its division into a small number of wealthy persons and a large number who dwell upon the margins of subsistence. We enjoy security and order. But the security we enjoy means the protection of most in their importance, and the order is, very largely, the safeguarding of the few against the demands of the many for a richer and fuller life" (47 : 98). 'Thus an adequate conception of rights can be realized only in an egalitarian society from which class privileges have been banished.

Safeguards for Property Rights.

The most important indictment that Laski advances against the capitalist democracy is directed against its conception of property rights. In his critical analysis of the working of parliamentary institutions in England, he plainly admits that they are based on an anachronistic conception of the sanctity and inviolability of private property. "Our political system", he says, "takes for granted the private ownership of the means of production; the consequences of that assumption cover every nook and cranny of the law. All the great categories of our jurisprudence are soaked in the traditions of individualism. They assume property-rights which, save in the absence of direct contrary prescriptions from Parliament, are to be safeguarded from invasion. They are based, not upon the collectivist and corporate habits of the twentieth century, but on the liberal atomic principles worked out from the seventeenth to the mid-nineteenth century. They were the work of men who believed that, with the triumph of the business man, a term had been put to the need of revolutionary change" (130 : 22). This clearly shows that Laski regards the individualistic view of property rights as predatory and out of tune with the time.

It should be noted how the judicial system of a capitalist demo-

cracy safeguards the institution of private property. "No one can honestly examine", says Laski, "the history of the relations between labour and the courts without seeing that their result is to give the vested rights of property a special place in the American system. That is positively apparent in the ideas of Hamilton and Marshall, of Webster and Taney and Story, and of Chancellor Kent long before the Civil War ; it is still more apparent after it. The view of John Adams that unequal property is the necessary outcome of liberal institutions has found a wide echo on the judicial bench. But once that has been assumed, the next step is quite naturally to argue that laws which seem to invade that inequality are themselves a source of danger to the stability of the commonwealth. The main technique has been to due process of law ; and this has been interpreted to mean not what a normal reasonable man would be justified in regarding as just, but rather as a method of protecting the property the wealthy class has acquired and, therefore, the laws under which that property is safe. Due process of law is not a road, but a gate ; and those to whom it bars admission are the masses in the community. It is a way of protecting the past legal rights of the few against the present legal claims of the many" (121 : 211). This clearly shows the inadequacy of the system of rights that a capitalist democracy maintains. The primary purpose of law in a capitalist society is to protect the privileges of the capitalist class instead of securing the rights of the common people (50 : 76).

10

PARTICULAR RIGHTS

A. THE RIGHT TO LIFE

THE PARTICULAR rights which we take up for detailed consideration are the Rights to Life, Liberty, Property, and Equality, Political Rights, and the Right of 'Resistance' to the State.

The most fundamental of all rights is the right to life, for without it man can have no other rights. According to T.H. Green, the right to life and the right to liberty together constitute a single right, viz., the right to free life. Life without liberty is useless and conversely, it is the use made of life that gives one the right to life.

The bases of the right to free life are the instinct of self-preservation natural to man and the instinctive aversion of the average person to take the life of any sentient being. Of course it is very difficult to build a system of rights merely on the basis of instincts and emotions. Before any right is conceded, society must be convinced that it is necessary for the individual's self-development as well as valuable to itself. Again, if rights rest merely on instincts and emotions, how are we to explain the readiness with which people kill their own fellowmen in warfare or the ever-present phenomenon of wilful murder? The right to life, therefore, is not unconditional. Only to the extent to which it is used in the interest of one's self-development and in the interest of society can it be justified.

Implications of the Right to Life :

The right to life implies the duty to live. Neither from the point of view of himself nor from that of society is an individual justified in taking his life. Hence it is 1. *The Duty that attempt at suicide is punishable in all States.* to Live

Suicide stands condemned from the side of society also. As Gilchrist remarks, every life is valuable from the point of view of general welfare. Therefore, to take one's life or that of another is to eliminate 'an individuality which has rights as well

as duties'. A few of our present-day thinkers, however, are in favour of the right to suicide. Suicide or attempt at suicide does not meet with such strong disapproval in Japan as in some other countries.

If one has the right to life, it is one's duty to refrain from taking the lives of others. Murder is not only a moral wrong, but also a serious legal offence. Is capital punishment a violation of the right to life of the murderer? Strictly speaking such a person has no right to life at all. He has forfeited his right by the 'unassociable will' which he clearly demonstrates.

Those who are opposed to capital punishment argue that not infrequently a wrong man is sentenced to death and that most cases of murders are committed under extreme provocation or in a fit of insanity. They further argue (a) that death penalty has had a bad effect upon society in tending to cheapen human life and makes people callous to human suffering; (b) that it is a relic of the barbarous times when vindictiveness characterized the dealings of men; (c) that many a murderer is an irresponsible person and does not realize the gravity of his crime; and (d) that death penalty has not acted as a sufficient deterrent. The conclusion which they draw from all this is that society should cure or restrain the criminal, not hang him.

In evaluating these arguments, it must be said that they are based on a false sentiment for life as mere physical existence. Society is not obliged to maintain the life of a member in society if he deliberately injures the lives of other members. A man who murders another for the sake of his property obviously forfeits his right to life.

Sir Herbert Stephen opines that capital punishment gratifies, as no amount of imprisonment can, the natural and healthy resentment of the relations and friends of the murdered man, and that it is an effective check on murder. It is his opinion that a good many murders are committed after methodical calculation. If allowed to have his way, he would lightly extend the present law so as to include despicable acts of villainy under crimes punishable with death.

The conclusion to which we are led is that in clear cases of murder, death penalty is justifiable at least at the present stage of human development. We should take special care, however, to see that capital punishment is as rigidly restricted as possible.

It is generally assumed that the right to preserve life includes the right to defend life. As to whether in a given case the force used in

the defence of oneself was justified or not is left for the law courts to decide. The prevailing belief is that self-defence is justifiable, but not aggression. The difficulty with this view is that it is not always easy to define such terms as 'self-defence' and 'aggression'.

War. A question which arises at this point is in reference to war. Is the State justified in calling upon the individual citizen to lay down his life on the battlefield? Is this not an interference with his 'right to life'? Most wars, as noted by Green, have arisen from despotic ambition or national vanity and from a desire of economic gain.¹ Therefore, to speak of an inevitable conflict between States is an absurdity.

Hegel takes a different view. 'The state of war shows the omnipotence of the State in the individuality.' This belief in the divinity of the nation convicts of nullity the independence of individuals. The only things which matter are country and fatherland.

Suffice to say that all this is least convincing. Modern warfare involves rapid and often secret action. It is normally accompanied by cruelty, fraud, and treachery. It is an economic drain and involves waste of life and thought. It is an incentive to individuals and groups of individuals to use force for the gaining of private ends. Modern warfare in particular, with its weapons of colossal destruction, is morally indefensible, economically inexpedient, and politically suicidal. In the light of all this, we have no hesitation in concluding with Burns: 'Democracy and war are irreconcilable, and therefore, the ideal of democracy must provide an alternative to war as an institution' (10: 295). So long as nations feel that, in the last resort war is the best means of settling international differences, they live on a primitive level of existence.

A primary instinct of man which is to be placed alongside of the instinct of self-preservation is the instinct of sex. From this it would appear that the right to reproduce life was almost a 'natural' right. Yet it is not a right which can be claimed absolutely. In modern society, it is not unreasonable to demand that in the interest of society in general and of the offspring in particular, such people as hereditary and incurable lunatics, idiots and imbeciles, hereditary deaf, mutes, lepers, etc., should be prohibited from marrying and prevented from propagating their kind.

1. These days wars are due to ideological differences, real or imaginary, hiding many other reasons behind.

4. *The Right to Reproduce Life Coupled with the Right to be Born Without Heavy Handicaps*

In close connection with the right to reproduce life we may discuss a right which is not yet asserted to any great extent, but which, in some form or other, will have to be included in the organization of progressive societies—the right to be born without undue handicaps. The fact that children do not have a voice in the choosing of their parents places a grave responsibility upon parents and society to see to it that no child comes into the world which is unable by virtue of its birth to take its proper place in the common life of society. If the population of a country keeps on increasing recklessly, it is not unreasonable for the State to put some workable checks on it. Modern Japan goes to the extent of legalizing abortion, which is morally indefensible. China is now following suit.

B. THE RIGHT TO LIBERTY

1. *Meaning of Liberty:*

The ideal of liberty has made its powerful appeal to man in all ages; and in the name of liberty have been performed great acts of heroism as well as despicable acts of crime. Even today there are very few ideals which can move men more readily than the ideal of liberty. Liberty is the essential quality of human life.

From what has been said earlier, it is obvious that there can be no absolute freedom anywhere in society. The only 'absolute' right of any normal human being is the right to the full and free development of his personality. The right of liberty is relative to this end. No man has the right to pursue his inclinations irrespective of consequences.

Freedom in the negative sense means the mere absence of restraint. But it does not say whether such freedom is good or bad. What is wanted is positive freedom which may be defined as the positive opportunity for self-development or for the continuous expression of one's personality.

J. S. Mill on Liberty. The word 'liberty' is rich in connotation and suggests new ideas at every turn. In the olden times, as J. S. Mill (61) points out, liberty meant protection against the tyranny of political rulers. The rulers, however essential their presence was for the continuance of the body politic, were regarded as holding interests antagonistic to those of the people, and so the limitation of monarchical power was what was meant by the liberty of the people. This limitation took the form of winning recognition for certain immu-

nities and political liberties and the establishing of constitutional checks. In course of time, it was found that it would be better to have representatives or delegates of the people as magistrates of the States. Even this proving inadequate, the further step was taken of identifying the rulers with the people, and making their interests and will coincide with those of the people. Thus the power of the State became the power of the nation, concentrated in a form convenient for exercise. In short, 'liberty' came to mean the popularizing of government.

But liberty soon proved a mirage, and there came to be the anathema of a 'tyranny of the majority'—tyranny of the prevailing opinion and feeling. This tyranny was found to be more thoroughgoing and even more deadly than the tyranny of the individual ruler. And in its attempt to come once again to the forefront was born a new form of liberty, individual or personal liberty. It is to this form of liberty that Mill gives his chief attention in his celebrated essay 'On Liberty', his aim being to safeguard the individual, even his eccentricities and oddities, against the attacks of society.

2. *Types of Liberty :*

The conception of 'natural liberty' is a euphemism for the freedom of the jungle. Those who uphold 'natural liberty' argue that man is by nature free and that civilization is responsible for his increasing bondage. They quote with approval the words of Rousseau, 'Man is born free; and everywhere he is in chains', forgetting that Rousseau himself, after weighing the arguments for and against the state of nature and the civil state, had no hesitation in deciding in favour of the civil state. Man in the state of nature is subject to physical impulses, while in the civil state he becomes a rational creature governed by laws of justice and morality. 'What man loses by the social contract is his natural liberty and an unlimited right to everything he tries to get and succeeds in getting; what he gains is civil liberty and the proprietorship of all he possesses' (67 : *Bk. I, Ch. VIII*).¹ Absolute freedom therefore equals absolute anarchy.

1. A. J. Carlyle claims that the first important contribution of Rousseau was 'his emphatic assertion of the long tradition of the Stoics and the Christian Fathers that men in their primitive condition lived in a happy and innocent anarchy'. Instead of lamenting the passage from the state of nature to civil society, Rousseau thinks political subjection legitimate because in Carlyle's words, 'man to be man must live under the rational and intelligible authority of his fellow-men in the great community of the State' (91 : 182 ff).

Every normal human being desires personal freedom. He wants to be able to plan his life in his own way. He values highly the right to exercise his faculties and to determine the general conditions of his life. He does not relish undue restrictions on his freedom to go about his business the way that he thinks best. Interference with his particular mode of living, tastes, and pursuits is particularly resented, especially when these personal preferences are not contrary to the social order or public morality. In the U. S. A. prohibition of liquor by state legislation was keenly opposed by many a law-abiding citizen because it was construed to be an undue interference with his personal freedom. In India too, the law relating to prohibition is flouted by many—particularly by those at the top and those at the bottom of the economic and social ladder. Some think it smart to break this law. In England every man regards his house as his castle, inviolable against all outsiders. Even the officers of the State cannot force entrance into it, except as provided by ordinary law.

Mill values the right of personal freedom so greatly that he goes to the extent of saying that the individual should be free to experiment with his life, so long as his actions do not directly and definitely affect others. Mill is even prepared to allow people to experiment in extravagance, viciousness, and drunkenness, subject to consequences. This is an extreme point of view.

Like Mill, Bertrand Russell attaches much importance to personal freedom, which he regards as the greatest of all political goods. Thinkers who adopt this point of view value their personal freedom much more than any political rights, for, they say freedom of thought, freedom of speech and expression, and the like are much more essential to a person's real development than the privilege of voting or holding an office. It is this view of personal liberty which underlies much of the thought of philosophic anarchism. In the trenchant words of Rousseau, 'To renounce liberty is to renounce being a man, to surrender the rights of humanity and even its duties.' Slavery is universally condemned today because it robs human life of all its meaning and makes man 'an animated tool'.

Although the conception of nationality is comparatively recent in its origin and development, from very remote times men have been prepared to lay down their lives for the safety and security of their group. The love of one's country is deep-seated in man, and patriotism, even in its narrow form, evokes feelings which cannot be

easily awakened by other ideals. Thus it is that liberty in the sense of national independence has played a very conspicuous part in world history. Wars of independence are still applauded by the bulk of mankind in spite of the fact that there is a growing revulsion of feeling against war as a means of settling international disputes. So long as we are governed by the conception of sovereign nation-states and so long as internationalism is a little more than a pious hope, freedom from the control of other states is essential to the conception of liberty in its fullest sense.

Freedom in the twentieth century means not only self-government but also popular government. The term 'National Independence' is beginning to be used more and more as a synonym for democracy or popular government. There is little disposition to substitute for the arbitrary rule of the foreigner an arbitrary rule exercised by one's own countrymen. Thus liberty, in one of its essential forms, stands for a government chosen by, and responsible to, the general body of the people; and this we call 'constitutional liberty'.

This may be defined simply as liberty in society. 'It includes liberty to free action and immunity from interference' (24 : III). 'It consists of the rights and privileges that the State creates and enforces, such as :

- (a) freedom of the person;
- (b) equality before law;
- (c) security of private property;
- (d) freedom of opinion and expression; and
- (e) freedom of conscience.'

It is, in brief, a safeguard against physical and moral coercion whether it be from the side of the individual or of the government. It includes personal freedom.

As contrasted with civil liberty, political liberty stands for the share that the individual has in the management of the State; or, at least in the direction of the manner in which the power of the State shall be exercised. In particular, it implies such rights as the right of franchise and the right to stand for public offices.

Even after attaining all the foregoing types of freedom, a person may not be much better off than a slave so long as he has no control over the economic conditions governing his life. In recent years

3. National
Liberty

4. Constitutional
Liberty

5. Civil Liberty

6. Political
Liberty

much has been written, and more said on the virtual slavery of the toiling masses. What is uppermost in the minds of these people when

they contemplate their lot in life is not political nor civil nor constitutional liberty. It is an economic freedom which will ensure to the labourer a just reward for his labour. It is a freedom which will

destroy all cut-throat competition and blind-alley jobs and remove such artificial regulations of manufacture and trade as result in the demoralizing of the worker. It is a freedom which will help to create that harmonious industrial system in which every man will produce only that which he is best capable of producing and the community will have need for what he produces. And unless and until this freedom is achieved, it cannot be said that we have solved the problem of liberty in its fulness. Economic liberty implies, says Tawney, the absence of such economic inequalities as can be used as a means of economic constraint.

A person may have all the kinds of freedom considered above.

Yet if he does not have moral freedom, he is among the most deplorable of men. A moral slave is one who habitually wills and acts against his universal or rational self. Without it social and political freedom is of little value. T. H. Green and Bosanquet pay much attention to it. To Hegel in particular and to the idealists in general, freedom interpreted in this manner is objectively realized in the State.

3. *Liberty and Authority :*

Our natural impulse is to regard liberty and authority as mutually exclusive of one another. The eighteenth century individualism gave expression to this impulse by regarding every action of the State as an infringement upon individual freedom. This is a profoundly mistaken view. Experience clearly shows that authority in some form or another is necessary for the maintenance of liberty. As Willoughby puts it, freedom exists only because there is restraint. The only liberty possible for civilized man is a defined and limited liberty.

Far from liberty and authority contradicting one another, they supplement and complement each other. Locke discovered long ago that 'where there is no law there is no freedom'. Hocking goes so far as to say that the greater the liberty a person desires, the greater is the authority to which he should submit himself.

What we have said about authority in general applies with equal force to the relation of man to the State. The State is a servant to do our will, and to the extent to which it carries out our will faithfully, we are free and have positive political liberty.

The close relation between liberty and authority in the political field is expressed by the statement that sovereignty, far from being opposed to liberty, is essential to it. Without law there is no true freedom. As Ritchie remarks : 'Liberty in the sense of positive opportunity for self-development is the *Liberty and creation of Law and not something that could exist Law apart from the action of the State*' (66 : 139-140).

Certain restraints are necessary in the interest of general well-being. But they should be applied impartially, and society should be convinced of their reasonableness. Otherwise, liberty and authority remain opposed to each other. So long as one has the feeling that law is an external compulsion devised for the benefit of some particular person or class, there is bound to be profound discontent and unhappiness leading at times to rebellion. Therefore, if liberty is to be reconciled with authority, the authority which we are called upon to obey should be reasonable, and obedience to that authority should be voluntary. To quote Rousseau : 'Obedience to a law which we prescribe to ourselves is liberty' (67 : 19). Green says that man is free when he obeys the law of which he is the author and obeys it from the impulse for self-perfection.

All of this does not mean that a voluntary and literal consent of all citizens is essential to every law before it can be rightly enforced. The individual has no intrinsic right to disobey every law of whose worth he is not personally convinced. To concede such a right will lead to general anarchy.

4. *Liberty and Equality :*

Such ardent lovers of freedom as De Tocqueville and Lord Acton hold the view that Liberty and Equality are opposed to each other. This seems to be a mistaken view. The French revolutionists were neither mad nor stupid when they made 'Liberty, Equality, and Fraternity' their war cry. All these terms are logically related. If liberty is to move to its appointed end, it is necessary that it should be accompanied by equality in some form. In saying so, we do not mean that society should provide a dead, mechanical level for everybody. Nature has not endowed all men alike. Equality does not mean identity of treatment reward or functions.

There is a tremendous wastage of talent today, and in the ideal society talent must not be allowed to 'perish for want of encouragement' (47 : 154). Opportunity should be given to everyone to realize the implications of his personality. Inequalities there may be but only after a minimum basis of civilization has been assured to everybody. There may be varying rates of payment for effort. Still, great inequalities of wealth make the attainment of freedom impossible.

All of this implies that deliberate social restraints be placed upon individual freedom. Bentham's maxim, 'Each to count for one and no one for more than one', is fairly widely observed in political relations. Experience shows that Political Equality is valueless unless it is accompanied by virtual Economic Equality. Prof. Pollard puts the truth in a nutshell : 'There is only one solution of the problem of Liberty. It lies in Equality.' 'The liberty of the weak depends upon the restraint of the strong; that of the poor upon the restraint of the rich. . . . Every man should have this liberty and no more, to do unto others as he would that they should do unto him; upon that common foundation rest Liberty, Equality and Morality' (76 : 247-8).

So far as India is concerned, the principle of equality calls for the distinctions of sex, caste, language and province to be eliminated as early as possible. Since Independence the position of women has considerably changed for the better. They can vote on equal terms with men and stand for public offices. A few of them have been taken into the administrative services of the country. Increasingly equal opportunities are being provided in the realms of education, work opportunities, marriage, property, and inheritance. Much is being done to raise the status of those of depressed class origin. Liberal scholarships are being provided for their education, and more are being employed in public services. The practice of 'untouchability' is against the law of the land, but the law is not properly enforced because of the lack of strong public opinion in support of it.

i. *State Regulation of Liberty :*

This is the most elementary condition of personal liberty. No one has a right to assault me or to use my body as it pleases him or to restrain me from moving about as I please. The law protects us against menaces of violence — *i. g.*, the angry shaking of one's fist as well as against threats of future violence. It likewise recognizes the right of self-defence.

1. *The Right of Personal Security*

In England, the right of personal freedom means that no one may be imprisoned, arrested or coerced except in accordance with the ordinary law of the land. This right is safeguarded by (1) redress for wrongful arrest; (2) the Habeas Corpus Act; and (3) the Rule of Law in general. — *And now to the...*

- (1) Redress for arrest means that a person who has been wrongly arrested can either have the wrong-doer punished, or exact damages in proportion to his injuries. Such action may be taken against any person in the realm, official or non-official.
- (2) A Habeas Corpus writ demands that a man who is kept under restraint should be produced before the open court for proper trial. This is a very great check on the arbitrary action of the executive government. It makes it incumbent upon the police and the executive to act in accordance with the law of the land.
- (3) The Rule of Law, in normal times,
 - (a) subjects all persons in the State, including officials, to the ordinary civil courts,
 - (b) opposes prerogative or the discretionary authority of the government, and
 - (c) deduces constitutional liberties, such as the liberties of speech, writing, and of public meeting from the ordinary private law relating to private persons.

In a sense, everyone has the liberty of thought, and nobody can restrain it. A person may shut himself up in his room and say or wish to himself anything that he likes. Nobody is affected by it so long as no attempt is made to communicate it to others or to translate it into practice. But this is not the ordinary interpretation of freedom of thought. If liberty of thought is to have meaning, it is necessary that to some extent it be accompanied by liberty of speech and action. To think what one pleases and not be free to express it in speech and action is oppression. It 'becomes a torture which eats away the soul' (66 : 168).

2. Liberty of
Thought,
Speech and
Writing

Freedom of thought and discussion has been valued as a sacred possession of man from very early days. Socrates preferred death to restrictions on his freedom to speak his mind. He took the position that the established order should, to some extent, be threatened by the advocacy of new ideas. In England the case for freedom of

thought and discussion has been stated in immortal language by Milton, Sidney, Locke, and J. S. Mill. Milton held that liberty of thought and speech was the very foundation of all other liberties.

Mill's Views. Mill justified the fullest liberty of thought, speech, and writing in the form of a sorites. He believed that liberty of thought should have for its corollary liberty of speech and that liberty of speech should have for its corollary liberty of writing. His well-known argument is that the received opinion may be altogether true or altogether false or, what is more likely, partly true and partly false; and that in every one of these cases, there is a very strong reason why complete freedom of thought and discussion should be permitted. If the received opinion is altogether true, why should one be afraid of giving others a chance to refute it, if they can? To limit freedom in such a case may mean that one is not sure that the received opinion is, after all, true. It is certain that to refuse permission to have one's creed openly discussed is to make it a dogma. If, in the second place, the received opinion is altogether false, it is our privilege and duty to give up our error for the truth that we can get from others, by free discussion. Finally, if the received opinion is partly true and partly false, there is all the more reason why there should be full freedom of thought and discussion in order that each one may learn of the other. To suppress opinion in such cases is to claim infallibility, and experience shows that nobody is infallible.

In setting forth the above argument, Mill naively believes that mankind is so reasonable that truth will always meet with warm reception. He overlooks the fact that more often than not people decide not according to reason but according to emotion; and that even in a civilized community one finds a percentage of people incapable of using liberty aright.

It is admitted on all sides that there are limits to the free expression of opinion. These limits are fixed by society through public opinion and by the State through laws relating to libel, slander, defamation, blasphemy, sedition, etc. The general principle followed in restricting freedom of speech is that expression of opinion should be within the limits of decency and not be contrary to the social order and public morality.

Libel and Slander. Aggression on the personal liberty of the individual is not merely physical. It may take the form of causing mental suffering. It is obvious that the law cannot protect us against this form of suffering, for both the proof of the suffering and the

measurement of it are alike too indefinite for the law to take into account. Nevertheless, the law does protect one's reputation by providing against libel and slander.

The Right to Criticize Government. While in a sense the State is the creator and guarantor of liberty, liberty always demands a limitation of political authority. To be able to call to account one's rulers is one of the essential safeguards of liberty. But no state can allow law-breaking and therefore, acts of violence and disloyalty come under the laws of sedition and treason. When the danger is indirect and remote, statesmanship requires toleration.

Liberty of the Press. The laws relating to the press in England and France represent two different types altogether. Which of the two systems—the English or the Continental—is superior is a debatable question. According to Lord Mansfield, in England the 'liberty of the press consists in printing without any previous licence, subject to the consequences of law'. There are no special courts for the trial of press offences. Newspapers are under no more special liabilities than private individuals.

In France and the Continental countries in general, however, there are not only special press laws, but also special tribunals for trying press offences. The French theory of government is that government should not only punish those guilty of exceeding the limits of freedom of speech, but that it should also guide public opinion in the proper channels. It is based on the principle that prevention is better than cure.

No such right as the liberty of the press has ever been recognized by law in England. Even though there is no censorship of the press, there are laws relating to sedition, treason, blasphemy and the like, and these laws circumscribe the liberty of the press. Under these limitations it is generally assumed that freedom of discussion is ensured by jury trial. However true this assumption may be as regards the past, it does not have the same validity at present owing to changed conditions. In earlier days the class from which jurymen were drawn had a tendency to give verdicts against the government. But today the majority of jurymen are not particularly noted for the love of freedom of thought or discussion. Hence it may be that the system which was once a guarantor of individual liberty may have to be abandoned unless it can be radically transformed.

Individual Action : Mill's Views. Mill's essay on *Liberty* is an eloquent plea not only for liberty of thought and expression, but also

for liberty of action. Mill divides conduct into self-regarding and other-regarding conduct. Self-regarding conduct is, according to him, conduct which concerns the individual and the individual alone, while other-regarding conduct is conduct which affects others besides oneself. In the former sphere, Mill argues, there should be no interference of any kind. It is purely a matter of individual preference. In the latter sphere, however, the State may interfere by means of laws and society by means of public opinion, although there are cases in which it is not expedient for either to interfere. In other words, Mill argues for absolute liberty in one sphere and limited authority in the other.

This division of conduct is open to serious criticism. No weapon has been forged which is sharp enough to divide conduct into self-regarding and other-regarding spheres. If there is any truth at all in the organic theory of society, it is that individual good and social good are inter-dependent. Even acts which appear to be altogether personal in their bearing sooner or later touch society at large. According to Mill, extravagance, drunkenness, gambling, etc. are self-regarding acts, so long as they do not lead to the non-payment of debts, neglect of one's work, or laxity in the performance of one's duties to one's family. However sound such a distinction may be in theory, in practice it is bound to break down in most cases.

Notwithstanding these obvious defects, it must be said that Mill's distinction has a tremendous practical value as a rough and ready rule of action. As far as possible, society should regulate only such conduct as directly and definitely concerns others; but this is not an absolute law. In these days of unlimited bureaucracy and blind worship of the State, Mill's theory needs to be re-stated with all the force that it contains.

Collective Action. The liberty of collective action includes the right of public meeting, the right of association, and the right to boycott, strike and picket.

The Right of Public Meeting. In Belgium there is no interference with indoor meetings, which can be assembled even without permission from the police, but open-air meetings come under the police law. The English law recognizes no such distinction, and there is no law at all recognizing the right of public meeting. The rights of public meeting are derived from the right of private individuals to go where they please and say what they like, subject to the law of

the land. As Dicey puts it : 'No better instance can indeed be found of the way in which in England the constitution is built upon individual rights than our rules as to public assemblies.'

The Right of Association. Like individuals, associations have their rights and duties. No association has a right to wage war against the State or secretly endeavour to overthrow it. Whatever local autonomy associations may possess, the final authority rests with the State. Associations which extend beyond the frontiers of any one State and which command the ready loyalty of its members, in course of time, lead to the undoing of the modern nation-State and to the foundation of an international State. Whatever the future may have in store, it is clear that the modern State should safeguard the liberty of the individual against the ever-increasing authority of associations and should prevent associations from coming into conflict with one another. As far as powerful organizations like trade unions are concerned, it is the business of the State to be impartial as between unionists and non-unionists.

The Right to Boycott, Picket and Strike. Most modern States allow the practice of boycott within limits. It may be undertaken for social, economic or political reasons. It is primarily an offshoot of the modern industrial civilization. When boycott is resorted to by an individual or individuals it is not a serious matter: but when undertaken by an association on a large scale, it calls for social regulation. Ordinarily the State does not interfere with cases of boycott because of the inconvenience involved in 'imposing severe and dangerous restraints on the freedom of industrial intercourse' (72 : 579). In India, however, there was a curbing of the right of boycott when used as a political weapon against Great Britain.

Most States have no objection to peaceful picketing. Peaceful picketing, however, can shade off into disorderly picketing, and any well-constituted State will seek to draw as careful a distinction as possible between the two. Persuasion is justifiable, but not molestation. It is not always easy to say whether lying down in front of a shop in order to prevent a person from buying articles prohibited by public sentiment is persuasion or molestation.

The right to strike has been recognized only in recent times. It is generally recognized that when all other means of settling the issue have failed, the only effective weapon left is the strike. Sympathetic strikes and the general strike are variously considered. Laski upholds the right to a general strike. He believes that the general strike is,

in extreme cases, the only way of rousing the inert public to its responsibility towards the labouring masses. 'A government which meets the threat of a general strike is not entitled to public support merely because it meets the threat' (49 : 133).

However justifiable strikes may be in the industrial field, it is widely maintained that civil servants, policemen, postmen, railwaymen and others engaged in public services have no right to strike. Here again Laski holds a different view. 'The civil servant is not merely an employee of government; he is also a citizen' (49 : 138). Therefore, Laski argues that the community is not entitled, on any terms, to put its convenience before the worker's freedom. In order to diminish the number of strikes, Laski proposes that the State regulate the basic wages and basic hours of labour so as to make the conditions of each vocation materially and spiritually adequate, and to confer a large amount of self-government upon each vocation.

This is essentially a modern right. Whatever conflict may have existed in the past between the Church and State, the present relation is generally one of friendly recognition not only between the Church and State, but also among the various religions and sects in the same State. We agree with Rousseau when he says : 'Tolerance should be given to all religions that tolerate others, so long as their dogmas contain nothing contrary to the duties of citizenship' (67 : Bk. IV, Ch. VIII).

India today claims to be a secular democratic State, where there is no state religion and where everybody is free "to profess, practise, and propagate" his religion. In actual fact, however, some over-zealous individuals and groups seek to restrict this freedom. Attempts are being made to give official patronage to the religious practices of one particular faith. A secular State should be free from all religious and sectarian preferences and prejudices.

The Right of Conscience. While the right to profess and practise any religious belief within limits of decency and public order is widely recognized, the right of conscience has not yet won such recognition. The individual can decide for himself in the light of his conscience what is good and what is bad; and with such freedom no power on earth can interfere. But the State can, and must, interfere with outward actions inasmuch as they affect the safety and welfare of the people at large.

Most modern States allow conscientious objectors to war to refrain

from fighting. This they do on grounds of expediency, and not on the general ground of allowing each citizen freedom to pursue the dictates of his conscience, wherever his conscience may lead him.

This "right" closely follows the right of conscience and in discussing it we shall state the point of view contained in T. H. Green's *Principles of Political Obligation*, Section H. The individual must indeed judge for himself whether a given law is for the common good or not. Even if he judges it not to be, he ought as a general rule to obey it especially in a country where there is popular government, and where there are legal or constitutional ways of bringing about the desired change without much difficulty. Till bad laws are repealed the individual should conform to them for that is his social duty. But where there is no legal way of getting bad laws repealed, or where the government of the day is so corrupt that it deliberately prefers private interest to public good, or where it invades the sphere of personality, it may be the duty of the individual to resist. Even in such extreme cases, resistance is not a right but a painful duty.

Before embarking upon resistance, the good citizen, especially if he be a leader, should place before himself the following considerations:

- (a) Have I exhausted all constitutional methods of bringing about the desired change?
- (b) Are the people whom I call upon to resist keenly conscious of a flagrant wrong done to them, or am I simply exciting their passions? Is the wrong done by government of such a serious nature as to demand resistance? Do the mass of the people appreciate the grounds on which resistance is to be made?
- (c) What about the character and temper of the people with whom I have to deal? Are they emotional and easily excitable, or are they reasonable and self-possessed persons who know where to stop? For once resistance is started, there is no knowing where it will stop.
- (d) What about my own character? Have I divested myself of all egotism, and am I actuated by an unselfish desire for common good?
- (e) What about the consequences? Is the second stage likely to be worse than the first? Will law-breaking lead to a condition of general anarchy?

Green realizes that times of revolution are not the times when

questions like these are likely to be impartially considered. Times of revolution are times for action. Besides, in many cases, whether a certain line of action is for the common interest or not, only the sequel can tell. Further, repeated attempts and repeated failures may be necessary before a good cause succeeds. A majority has no right to resist simply because it is a majority. It may often be the duty of a helpless minority to resist, even when there are no chances of success.

The practical conclusion to which Green is led as a result of these considerations is that whichever side the individual may decide to take, he is sure to do more good than harm provided his character is sound and his motives are pure and unalloyed. On the whole, the best character is likely to produce the best result, notwithstanding appearances to the contrary.

As is to be expected, Laski takes a more radical view of the "right" to resist the State as seen in some of the following quotations : "My duty . . . to the State, is above all, my duty to the ideal the actual State must seek to serve" (47 : 96). "The State, clearly, has a right to self-protection, but it should be in obvious danger before it is given leave to act" (47 : 123). "Liberty is nothing if it is not the organized conscious power to resist in the last resort" (47 : 142). Laski places more emphasis on the individual conscience in resisting the State than does Green—to the point of "conditional anarchism".

PUNISHMENT

Redress of grievance in early times rested with the aggrieved individual or the clan to which he belonged. But today it is universally recognized that it is the duty of State to punish offenders, although it may not be expedient for the State to punish every offender. Outwardly, punishment is a limitation of the liberty of the individual.

It has been said repeatedly that the right of the individual to free life depends upon his capacity for membership in society. A criminal displays an anti-social will, and, therefore, society is justified in interfering with his right to free life. In the interest of society it is necessary that the criminal tendencies in every one of its members be curbed. To neglect this will lead society back to primitive chaos and anarchy.

On the theoretical side, punishment has been justified from various points of view. Theories of punishment can be grouped

under : (1) the retributive theory, (2) the preventive or deterrent theory, and (3) the reformatory theory.

• *The Retributive Theory.* The first of these has an unfortunate name. It suggests the idea of retaliation or revenge, though historically it is the oldest conception of punishment. Among the ancient Israelies, the recognized practice was 'an eye for an eye, and a tooth for a tooth'. It represented a primitive standard of justice. No one was to take in turn more than what he had suffered.

Two natural perversions of the theory as brought out by Bosanquet, are : (1) the confusion of punishment with personal vengeance, and (2) the claim that punishment be equivalent to offence. While the feeling of vengeance can be understood in relation to the individual or even in relation to nations, it is inexplicable when applied to the relation between the individual and the State. Green begins his treatment of punishment by disclaiming the association of punishment with the idea of revenge.

As regards the second perversion, it must be noted that there is no way by which the State can measure either the pain of punishment or the moral guilt of the crime. Punishment cannot be adapted to factors which cannot be ascertained. As Green notes, even if the State could work out a proportion between the pain of punishment and the moral depravity of the crime, the result would be that the State would have to punish every case differently. This would mean an end to all general rules of punishment' (20 : 191).

The Deterrent Theory. This theory is expounded at great length by Green and Bosanquet. According to these writers, though a sound view of punishment should include all these elements—retribution, deterrence, and reformation, stress is laid by them more on the second than on the other two. According to this theory, the primary aim of punishment is to prevent other possible criminals from committing the same crime. In the words of Green, the object which the State has in punishing 'is not to cause pain to the criminal for the sake of causing it, nor chiefly for the sake of preventing him, individually, but to associate terror with the contemplation of the crime in the minds of others who might be tempted to commit it' (29 : 192). The purpose of punishment, in other words, is to provide society with an object lesson.

We are unable to agree with Green when he claims that the primary aim of punishment is the future prevention of crime by associating terror with it in the popular imagination. If we accept

this view, it will mean that the seriousness of a crime is to be measured not by the amount of suffering it causes to society, but by the amount of terror which needs to be associated with it in order to bring about its prevention. It will mean, for instance, that if offences against property become more common than offences against life, the former class of offence will have to be dealt with more severely than the latter, which is clearly absurd. We measure the gravity of the crime by the gravity of the right violated.

The Reformatory Theory. This theory has been very prominent in recent discussions. According to it, the primary purpose of punishment is to restore the individual to society by bringing about lasting reform in his character so that he will become a self-respecting and independent member of society. Some of the advocates of this theory regard the criminal as a patient to be cured rather than as an anti-social individual to be punished. The followers of Lombroso claim that crime 'is a pathological phenomenon, a form of insanity, an inherited or acquired degeneracy'. According to this view, 'prisons must be superseded by hospitals, asylums, and reformatories'. Other advocates of this theory blame social conditions for the existence of crime and argue that crime would vanish almost completely if we could have more just social conditions.

To the extent to which the reformation theory is a reaction against the unrelenting and unreasonable spirit of vengeance of an earlier age, it is a sound theory. But, at the same time, it is subject to certain serious limitations. To regard all crimes as pathological phenomena is wide of the mark. Not all criminals are insane or feeble-minded. We distinguish cases of mental insanity from cases of crime proper. A criminally insane person is confined and given treatment, but a normal person is not, except as he requires rehabilitation. He is punished because he is a responsible person, accountable to society for his actions.

There is no doubt that for certain classes of crimes society is more responsible than is the criminal himself. But such people are abnormal, and we are not justified in basing a theory on exceptions. Most crimes arise out of an undisciplined will.

Reformation is certainly an important element in punishment but is not the only element. We agree with Bosanquet when he says that punishment must be deterrent for others as well as reformatory for the offender, and, therefore, in some degree painful. To place all emphasis on reformation is to disregard the interests of society. If

reformation were the only sound theory, there would be no justification for the indefinite imprisonment of those criminals who are altogether incorrigible; for punishment in their case is useless.

James Seth uses the term 'discipline' to describe the view of punishment which we have adopted, a view which combines into an indissoluble unity the best elements of Retribution, Deterrence, and Reformation. Punishment must be firstly preventive of injustice. It should have no trace of vengeance or vindictiveness. The goal in punishing should be 'to bring home to a man such a sense of guilt as shall work in him a deep repentance for the evil past, a new obedience for the time to come' (71 : 323).

For ourselves we believe that punishment should *punish*, but this need not take the form of physical pain in every case. The deprivation of freedom to move about as one pleases and the social disgrace associated with imprisonment are enough of a punishment to a sensitive individual. But in all cases, punishment should aim at recreating the individual, in full co-operation with him, with the help of all the devices that society has at its disposal—knowledge of modern psychology and psychiatry, the teaching of skill or vocation, inculcation of a love of the family and a changed attitude towards society, and moral and religious instruction, which appeals to the highest in the individual.

C. THE RIGHT TO PROPERTY

The attachment of man to property is so great that many of our laws relating to property are much fuller, more precise, and more exacting than even laws relating to life and liberty.

The idea of property lies at the root of the economic, legal, and political sciences. Economics for the most part is concerned with exchange values, involving property. Jurisprudence makes the idea of ownership even more fundamental. Political science considers not only the protection of person but also that of property.

The long history of human civilization on its material side centres in the idea of property and ownership. From the days when semi-civilised man began to claim possession of his tools, ornaments, and such other personal things to modern times when the thoughts and activities of the average man hinge on such matters as income, dividend, and inheritance, idea of property has been a supreme factor in

the evolution of civilization. Modern civilization falls to pieces if we remove from it the institution of property. Individualism, nationalism, and imperialism—all embrace the concept of property.

The Evolution of Property. The instinct of acquisition is common to both animals and human beings. A dog becomes ferocious when anyone tries to deprive it of its bone. Wolves hunt in packs and share the prey among themselves and fight any intruder. Children collect all sorts of objects—birds' eggs, pebbles, bright-coloured rags, etc. Even fully grown people are not free from this instinct, though they may collect more worthy objects such as rare pictures, stamps and books. The attachment to private property and the enjoyment derived from it are much more intense than the care of public property and the enjoyment which it gives.

To prove that acquisition is instinctive with man is not a difficult task. What is much more important is to show whether any particular form of acquisition such as private property is more natural than other forms. Hocking argues that all of man's instincts are resolvable into 'the will to power' and when that is satisfied it is not necessary to satisfy every instinct as such. The 'will to power', however, in many cases may and will demand private property within limits.

Hobhouse makes a significant distinction between 'property for use' and 'property for power'. Historically viewed, it would seem that in very early times property was held for use and not for power. It is generally assumed that private property is comparatively recent in origin and that communal property was the universal order in early days. The investigations of Hobhouse, however, lead him to think that there was private property as regards personal belongings, but no universal rule as regards land. 'To use the words of Hobhouse himself, in early society land may be communal property, or it may be personal, or the two principles may be intermingled, but in any case it is held for use and not for power.

With the development of agriculture, however, appropriation of land must have become more and more exclusive and permanent. To begin with, ploughing was on a co-operative principle but in course of time the process of individualism led to the division of land into narrow strips for individual owners scattered over a vast area. The history of the evolution of property thus shows that it is not simply the 'creature of the State'. It had its beginnings even before the definite appearance of the State. It is instructive to note that the law of theft is earlier than the State. While, broadly speaking, the State did not

create property, it has done much to protect and develop it. So far as the future of property is concerned, Jenks is right in saying that the State should refuse to protect or favour any appropriation without a due return to the community; it should restrain abuses of property and raise the necessary revenues of the State from those best able to contribute to it.

Characteristics of Property. Property may be defined as the control by man over things, or an appropriation of material objects recognized by society. It does not mean mere possession which confers only a delegated right. It calls for exclusive and permanent control over things. As Sidgwick observes, the right of property when used without qualification means 'the complete right of exclusive use, including the right to destroy and the right to alienate, but not necessarily the right of bequest' (72 : 70). He is right when he says that the right of excluding all others permanently from interference with a particular portion of matter is the most essential element in the right of property.

Like all other rights, the right of property requires the recognition of society to make it valid. A right is nothing if it does not have behind it the sanction of society. This is particularly true of property, which is largely the result of co-operative endeavour in our present-day society. The argument that property is a natural right carries with it no conviction any longer. The socialist goes to the other extreme and claims that property is entirely the creation of society. For ourselves, we believe that property has an important social aspect and that the right to property is relative and never absolute. Property is a form of regulated control and cannot be claimed against the well-being of society.

In modern society property has come to mean power. In one sense it spells freedom, inasmuch as it is a corollary of the right to free life. In another, it means the restriction of freedom, particularly the freedom of the toiling masses. It confers upon the owner almost unlimited power over the lives and destinies of human beings. Property which strictly meant control over things has come to mean control over persons through things. Hobhouse emphatically asserts that modern economic conditions have virtually abolished property for use for the great majority of people and have brought about the accumulation of vast masses of property for power in the hands of a relatively narrow class.

Theories of Property :

In very early times when the sense of right and wrong was still undeveloped, the view which based property on first occupation marked a great improvement. In the case of newly discovered countries such as the United States and Australia, this view certainly had its value. Among political thinkers, it was advanced by some of the social contract writers with reference to private property rights in the state of nature.

However sound the occupation theory may have been in primitive times for providing a rough-and-ready measure of justice, in a settled state of society it is practically useless. As Willoughby observes, rights in a completely non-social and non-civil state are an impossibility.

According to this theory, 'the civil law is able to furnish not only the legal, but the ethical basis for the institution of private property' (82 : 83). Quoting approvingly from Cicero, Hobbes writes : 'Take away the civil law, and no man knows what is his own, and what is another man's'. His argument is : private property is a part of the political order ; maintenance of this order is essential to human happiness, it is man's ethical duty to seek his own happiness ; therefore he should accept the law of property along with the other laws of the State as binding upon him both morally and legally.

Like Hobbes, Bentham takes the legal view of property. As a utilitarian, he recognizes the general beneficence of the laws which secure men in the possession of their property. 'Property and law', he writes, 'are born together. Before laws were made there was no property ; take away laws and property ceases'. Rousseau adopts the general view 'that it is only as an institution made secure by the protection of the political authority that the foundation of property is to be found in law' (82 : 90).

In evaluating this theory of property, it must be said that while law confers upon property-owners a secure sense of possession, it does not afford any clue as to the ultimate justification of property. Law is not our final standard. It protects only those who have property and the propertyless are practically excluded from acquiring any wealth. As Rousseau observes, under bad governments law 'serves only to maintain the poor in misery and the rich in his usurpation'.

John Locke in the seventeenth century advanced what has come

to be known as the Labour Theory of property, according to which, that with which a man mixes his labour is his. This right is limited by two considerations, that there should be 'enough and as good left in common for others', and that a man's right to the fruits of his labour is determined by his power to use. As regards the first, Locke himself realized there was not 'enough and as good' for others anywhere in the world except in the Americas of his day. The second consideration Locke intended to serve as a basis of individualism. But Karl Marx made it the basis of socialism, advancing the claim that 'the labourer has a right to the whole produce of his labour'. Both Marx and Locke forget that material goods with which a man can 'mix his labour' do not lie about unclaimed in the modern world. Nevertheless, the labour theory contains certain valuable elements: every man has a right to the opportunity of labour; he has a right to the fruits of his labour; and from the point of view of commonsense and morality, no one has a right to anything more than he can use in the best interests of himself and of society at large.

While conceding these elements of value, it must be said at the same time that labour does not create all value. The social order is just as important for the peaceful production and disposal of property as labour itself. Most labour is social labour. Socialist advocates assume that labour alone is the standard of distributive justice.

The extreme individualistic position that each man should be left free to acquire all that he can in the open market and do what he pleases with that acquisition does not accord with *Henry H. K.* the idea of social control which is gaining ascendancy *4. The Individualistic Theory* everywhere nor with the organic conception of society. The law of supply and demand would no doubt furnish a true index to income if there were an equal opportunity for everybody, but it is a patent fact that there is little of such opportunity in modern society. We admit that in all ordinary cases there seems to be no other practical way of rewarding a man than that of letting him gain what he can in a fair and open market. But the conditions of such competition do not prevail in the modern world. In the words of Laski: 'The higgling of the market is the apotheosis of inequality' (47: 191). The bargaining capacity of the labourer not being the same as that of the capitalist, the labourer often loses out in the economic race. This means, as Laski

notes, poor health, undeveloped intelligence, miserable homes, and work in which the majority can find no source of human interest. To pay according to marginal worth is bourgeois justice. The communist slogan is that each should be paid according to his needs. Regarding the social control of property, Laski believes that a state which holds the lives of its citizens at its disposal is entitled in a far higher degree to hold their property at its disposal also. In other words, if conscription of men for war is justified, why not conscription of property for the sake of social justice?

Socialism in general is not opposed to private property, but is opposed to private capital. Unlike communism, it believes in reward-

ing the labourer in proportion to the value of his labour, and here it is in agreement with the individualistic theories of distribution. To Marx and his followers, labour alone has worth since labour alone,

according to them, produces wealth. But socialists who differ from Marx understand the term 'worth' or 'desert' to mean 'socially useful labour' as determined by Government officials, while to individualists the same term means result or value as determined by the law of supply and demand. The substitution of the phrase 'socially useful labour' does not really help the socialist since it raises the difficult question of measuring a person's worth in concrete terms. Is assessment to be on the basis of time or piece work or in terms of the agreeableness or disagreeableness of the task, etc.?

In spite of these criticisms, we have no hesitation in agreeing with Sidgwick that advance in the direction of the socialistic ideal by a *judicious* and *gradual* extension of governmental functions is not opposed to sound economic theory. A more equal distribution is, in a broad and general way, productive of an increase of happiness and is thus an aid to the good life of the community.

On its economic side, communism attacks the institution of private property. It not only seeks to nationalise the means of production and distribution but also to bring consumption under State control. It is a radical attempt to confine property to use. Communists espouse the theory : from each according to his ability ; and to each according to his need. The Russian constitution of 1936 substitutes the word 'work' for 'need'.

There is no doubt a *prima facie* justice in a social order in which members of the group can live together as members of a family, with

no material goods which they can call exclusively their own. Nevertheless, it must be admitted that difficulties raised by communism are of too serious a nature to consider it a workable proposition. It may be just and reasonable in a community besieged on all sides or temporarily cut off from foreign supplies. It might be just also in a society which has reached its highest possible well-being. But we know of no such society today.

A further difficulty is that of fairly apportioning among its members the labour of the community. The usual answer which used to be given by Communists to the difficulty is that all should be made to work at every description of useful work. But as Mill says : 'All persons are not equally fit for all labour; and the same quantity of labour is an unequal burden on the weak and the strong'. Nowhere in society, except in a crude and barbarous state, backed by supernatural fears, can it be right to have a group of despotic officials who would assign men to their work and reward them according to their own sole pleasure and judgment. To quote Mill again : 'The chief criticism of communism and socialism is whether there would be any asylum left for individuality of character, whether public opinion would not be a tyrannical yoke'. Once more, communism calls for a cataclysmic change, for a sudden reconstruction of society resulting in a serious dislocation of the present economic and social order. Justice, in one of its phases at least, means the fulfilment of expectations arising naturally out of the established order of society. Finally, the maxim 'From each according to his ability and to each according to his need' is more a moral injunction than a canon of legal justice. Neither individual needs nor capacities can be easily measured. Since real needs and real abilities vary, it seems unjust to reward all alike. Nevertheless, the idea of equality which the theory embodies is too precious to be slightly rejected. That all should start on exactly equal terms is certainly inconsistent with any view of justice, but in the treatment of individuals justice demands absolute impartiality—what Rashdall calls equality of consideration. In the absence of any special reason for inequality, equality is the only right rule for distributive justice.

The idealists support private property on the basis of personality. Among German philosophers, Kant accepted the institution of private property and laid the foundation of the idealistic theory of property, according to which property is necessary for the realization of one's will.

Hegel carried this view to its logical conclusion and said that property is 'the first reality of freedom'. It is a necessary condition for the fulfilment of personality. But the trouble is, as MacIver points out, "it is also an extension of the personality of one over the personalities of others". (142 : 12)

According to Green appropriation of property is an expression of will and is an effort of the individual to give reality to a conception of his own good which is at the same time a common good. Property does not rest on contract or on supreme force. It is an instrument of expression and satisfaction.

To Bosanquet, property is essential for the development of character, for without some property there can be no liberty, and without liberty there can be no proper development of character. Thus viewed, property becomes an ethical institution.

This way of interpreting the meaning of private property is not to be taken as a justification of the capitalistic system. Personality is not isolated and self-contained, but can exist only in fellowship. Therefore, a legitimate development of personality involves a legitimate development of fellowship. Applied to property it means that nobody can claim an absolute right to his possessions. Property is a trust and is relative to the common weal. Since all men have a right to develop a worthy human life, all should have in reasonable measure enough 'property to use'.

Further, as Rashdall points out, while we must regard property as essential to the development of character, we must not close our eyes to the bad effects upon character of the present almost unlimited competition and facility for accumulation. If, on the one hand, property is an aid to character, on the other it fosters intense selfishness.

The Case for and against Private Property Summed up:

The possession of private property gives man a sense of security. The fate of the propertyless, landless man in the industrial society today is, in some ways, worse than that of the slave. Belonging to no one in particular who may take a proprietary interest in him, the freedom which he enjoys is not seldom the freedom to starve. Property enables a man to provide for the future and affords a sound basis for family independence.

A man of property is said to be one who has a stake in the country. As such he is not likely to be swept off his feet by every new-fangled

doctrine leading to violent change. He is a man of deliberation and prudence.

Property promotes a sense of independence. A man who has means at his disposal does not need to accept the work which he does not desire. He can devote his means to the fostering of art, science and literature. He has direct access to the social heritage of the ages and is enabled to have a share 'in the life creative'.

According to Aristotle, private property gives its owner opportunity to be liberal and hospitable. As the idealists contend, it is an aid to the development of character and the expression of personality. The individualists are right when they claim that private property gives a man the most effective stimulus to exertion. It is the fear of want and starvation that often keeps a man's nose close to the grindstone. Releigh observes that 'there are many operations connected with the management of land and capital, which are most efficiently performed by private persons, working at their own risk and for their own advantage' (64 : 111). He further notes that it is a matter of common knowledge that officials are less active, less frugal, and less eager for improvement than private traders (64).

Further, private ownership gives the individual a deep sense of pleasure and satisfaction which no other form of ownership can give. The magic of private property can convert sand into gold. At least within limits, private property is a measure of a person's ability. It is an extension of the sound economic and moral principle, 'Tools to the man who can use them.'

While these and other arguments may be advanced in favour of private property, the case against it is even stronger. The socialists argue that many of the defects are inherent in the system and cannot be removed by mere education, enlightened public opinion, or social legislation.

There can be no gainsaying the fact that the institution of private property perpetuates the division between the rich and the poor. Inequality begets inequality and divergences breed divergences. While property gives its owner a sense of security, it often leads to luxury and indolence. Those who are freed from the necessity to labour do not generally devote their time and energy to creative effort. While a certain amount of private property may be necessary for the development of character, the same argument cannot be applied to unlimited private capital or to the control which it gives over the lives and destinies of human beings. There is no logical

reason why a person should claim property in the instruments of production. To justify private property in all its aspects—unlimited wealth, bequest, inheritance, etc.—is as dishonest as it is unconvincing.

Further, private gain need not be the only incentive to labour. Lord Haldane remarks that the desire to distinguish himself in the service of the State is as potent a motive with the brain worker as the desire to amass a fortune. Plato was neither a fool nor a visionary when he claimed that the satisfaction derived from performing a congenial task or from rendering public service was a reward in itself.

It is generally admitted that ownership is justifiable only when it is correlated to service to society. But even the staunchest supporters of private property cannot but admit that, at best, there is only a very rough correlation between ownership and service. The law of supply and demand does not always work scientifically. At times it is freakish. As Laski argues, just because there is a demand for slaves in Abyssinia and for obscene literature all over the world, it does not mean that those who supply these needs are rendering great service to society.

Furthermore, if we trace the history of property, we find that property, particularly in land, has not had a respectable ancestry. Some of it is rooted in robbery.

Private property in modern times has certainly meant colossal production, increased prosperity and comfort, maximum utilization of the natural resources of the world, and marvellous growth of material civilization. But such progress in the material field has not meant equal progress in the moral and spiritual fields. Values have been vulgarized to a large extent, and there is a widespread tendency to worship power and wealth as such. Modern society is so organized as to whet the desire for personal gain. It teaches a man to compete with his fellow-men and scramble for power and wealth rather than to co-operate with him in achieving common ends. It makes effective citizenship for the masses practically impossible of attainment.

Laski sums up the case against the present order in these trenchant words: "The present system is inadequate from whatever angle it is regarded. It is psychologically inadequate because, for most, by appealing mainly to the emotion of fear, it inhibits the exercise of those qualities which would enable them to live a full life. It is morally inadequate, in part because it confers rights upon those

who have done nothing to earn them, in part because where such rights are related to effort, this in its turn has no proportionate relevancy to social value. It makes a part of the community parasitic upon the remainder; it deprives the rest of the opportunity to live ample lives. It is economically inadequate because it fails so to distribute the wealth it creates as to offer the necessary conditions of health and security to those who live by its processes. In the result, it has lost the allegiance of the vast majority of the people. Some regard it with hate; the majority regard it with indifference. It no longer infuses the State with that idea of purpose through which alone a State can prosper' (47 : 216).

PARTICULAR RIGHTS ACCORDING TO LASKI ?

Laski's conception of rights can be made more explicit by a reference to particular rights which he advocates. The particular rights advocated by him may be considered in three distinct aspects. In the first place, they indicate the position of the individual in relation to the civic community of which he is a member. Secondly, they require a discussion of the meaning of liberty and its compatibility with the notion of equality. Lastly, they also determine the character of political structure and institutions necessary for their adequate fulfilment.

He believes that the personality of the individual cannot be submerged in the corporation known as the state and so his rights are distinctly claims which have validity even against the state. He regards liberty as the cumulative product of the system of rights that a state maintains and comes to the conclusion that liberty can thrive only in an atmosphere of equality. Finally, he envisages a political structure which at once combines the merits of Anglo-Saxon political democracy with the gains of the Soviet system in the sphere of economic opportunity.

Right to Work.

In "A Grammar of Politics", Laski begins with the right to work as the first important right of a citizen. As he says, "The citizen has a right to work. He is born into a world where, if rationally organized, he can live only by the sweat of his brow. Society owes him the occasion to perform his function. To leave him without access to the means of existence is to deprive him of that which makes possible the realisation of personality" (47 : 106).

The right to work implies that there should be a system of national insurance against unemployment. It also implies that there should be some form of economic planning to utilize the productive labour of the whole populace. Similarly, the right to work implies the right to be paid an adequate wage which should be sufficient to guarantee a citizen the basic minimum of comforts. "The contrast in the modern world", says Laski, "between men and women who have never known a decent house, a decent meal, and clothing that barely protects them against the elements, and those who have never known what it is to have unsatiated a want that the possession of property can supply is an intolerable one" (47 : 107).

Laski thinks that the realization of this right is not impossible. If we cannot realize it in a capitalist system, he would suggest that we should adopt the socialist system. The example of Soviet Russia has proved how a socialist system guarantees full employment and an increasing standard of living for all citizens. As Laski says, "Either the State must control industrial power in the interest of its citizens, or industrial power will control the state in the interest of its possessors. The first need of the masses is to realize the right to adequate payment for their effort. The first principle, therefore, of industrial organization is a system of institutions directed to that end" (47 : 109).

Lastly, the obvious corollary of the right to work is the right to leisure. The amount of work and leisure should be equitably distributed in the community. There should be no bifurcation of society into a working class on the one hand and a leisured class on the other.

Right to Education.

The second right which Laski emphasizes is the right to education. A citizen cannot contribute his best self to the community in the absence of proper intellectual training. Mere literacy is not enough. Every citizen must possess that basic knowledge of the arts and sciences which may make him conscious of his own place in the civilization.

"There is no more fundamental division in the modern state," says Laski, "than that between those who have the control of knowledge and those who lack such control. In the long run, power belongs to those who can formulate and grasp ideas. Granted that such ability exists in a wide range of inequality, there is yet, once more, a minimum basis of education below which no one of average intelligence can be permitted to fall" (47 : 114). Even the advanced

capitalist states have failed to guarantee this right of education to their citizens.

Both in England and America, some school-children break their education at the primary level. In Russia free and compulsory education is provided up to the high school level for every boy and girl and education up to the high school level is considered as the basic minimum for every citizen.

Right to Political Power.

Thirdly, Laski emphasizes the right to political power which may be said to contain three derivative rights. In the first place, it implies the right to the franchise. Laski favours universal adult suffrage and considers Mill's test of education as irrelevant in determining the competence of a voter. Secondly, it implies the right to be elected to office without any discrimination on the basis of caste, creed, colour, or sex. Finally, it means selection of the members of bureaucracy on the basis of comparative merit. Laski is aware that the system of representative democracy as practised in capitalist countries is heavily biased in favour of the capitalist class and the right of the workers to exercise political power of any kind is reduced to the minimum. But he shows no preference for the Soviet system in this respect as he thinks that this right is non-existent there.

Right of Free Speech.

In the fourth place, Laski is very much concerned with the right of free speech. In defending this freedom of the mind, he has shown himself as a true and ardent disciple of John Stuart Mill. He is opposed to persecution of opinion in any form. All opinions, whether in the sphere of religion or morality, science or art, literature or politics, should be allowed to be expressed freely and no penalty should be inflicted for a mere expression of opinion.

He is prepared to allow a fascist, a communist, a Catholic, a Jew, or a Negro the same amount of freedom to express his opinion as would be available to a law-abiding liberal and a constitutional socialist or a pious Quaker and a member of the Anglican Church in England. Laski is so enthusiastic in defending this freedom that he also severely condemns its usual curtailment in times of emergency such as a war. It should be noted that no state has so far found it advisable in practice to grant the right of free speech to its citizens in this absolute form. However, nobody can dispute its

desirability as an ideal. Moreover, Laski points out that this freedom can be protected only by full judicial safeguards. He regards preventive detention as inconsistent with the right of free speech. The right of free speech implies the genuine independence of the judiciary and its complete separation from the executive.

Limited Right to Property.

Finally, Laski has to say some controversial things about the right to property. "In the absence of other considerations", he says, "a political system in which rights are built upon property is one in which the propertyless man will have no rights" (47 : 174). In a capitalist society, there is no economic planning in the sphere of production and distribution. The community is divided into the haves and havenots which means that the distinguished few possess private property in abundance while the overwhelming majority is reduced to the position of a landless and propertyless proletariat.

Laski is not against the right to property as such but is only opposed to its unequal distribution. But this reform in distribution can be brought about by changing the ownership of the means of production. In other words, the present capitalist system must give way to a new socialist system. The right to property will have meaning only when it is related to the value of one's effort and nobody is allowed to collect unearned income in the form of rent, interest or profits. It will have significance only when the exploitation of man by man and of class by classes ceases to take place.

Conception of Liberty.

The conception of liberty is closely related to the conception of rights because the former is regarded by Laski as the product of the latter. Laski rejects the idealist view of liberty as a logical contradiction. Liberty does not consist in mere obedience to law as Hegel presupposes. Rousseau also failed to understand the meaning of liberty when he paradoxically stated that man is forced to be free by the command of the general will.

Laski defines liberty as absence of restraint in a moral sense. It implies a freedom for the individual to plan his life according to his own choice. It necessarily requires that some limitations be placed on the mode of operation of the political authority represented by the state. Finally, liberty means that law must provide adequate

means of protecting the rights of the individual from the encroachment of the government.

Political Liberty and Economic Equality.

Laski, however, does not believe that there is any antithesis between the concepts of liberty and equality. By equality, he does not mean the identity of reward but the creation of equal opportunity for all to develop their faculties. It denies the existence of special privileges for certain classes at the expense of others. Laski also implies by equality a certain levelling process in the economic sphere as well. Economic equality can be brought about only in a socialist society. Laski's attempt to harmonize the concepts of liberty and equality is the theoretical foundation of his democratic socialist philosophy.

Marx on the Nature of Civil Liberties.

Speaking about liberties in a bourgeois constitution, Marx wrote in "*The Eighteenth Brumaire*" as follows, "The inevitable general staff of the liberties of 1848, personal liberty, liberty of the press, of speech, of association, of assembly, of education and religion etc., received a constitutional uniform which made them invulnerable. For each of these liberties is proclaimed as the absolute right of the French citizen but always with the marginal note that it is unlimited insofar as it is not limited by the "equal rights of others and the public safety" or by "laws" that are intended to mediate just this harmony of the individual liberties with one another and with the public safety. The constitution, therefore, constantly refers to future organic laws that are to put into effect those marginal notes and regulate the enjoyment of these unrestricted liberties in such manner that they will collide neither with one another nor with the public safety. And later, these organic laws were brought into being by the friends of order, and all those liberties were regulated in such a manner that the bourgeoisie in its enjoyment of them finds itself unhindered by the equal rights of other classes, where it forbids these liberties entirely to the others or permits enjoyment of them under conditions that are just so many police traps, this always happens solely in the interest of "public safety", that is, the safety of the bourgeoisie, as the constitution prescribes. In the sequel, both sides accordingly appeal with complete justice to the Constitution; the friends of order, who abrogated

all these liberties, as well as the democrats, who demanded all of them. For each paragraph of the constitution contains its own antithesis, its own upper and lower houses, namely, liberty in the general phrase, abrogation of liberty in the marginal note. Thus, so long as the name of freedom was respected and only its actual realization prevented, of course, in a legal way the constitutional existence of liberty remained in fact, inviolate, however moral the blows dealt to its existence in actual life."

SOVEREIGNTY

1. DEFINITION OF SOVEREIGNTY

'SOVEREIGNTY' is derived from the Latin word *superanus* meaning supreme. It means that in every full-fledged or independent State there is an ultimate authority, an authority from which there is no appeal. This authority is supreme both in internal and in external matters. Internally, no individual or group of individuals has the legal right to act contrary to the decisions of the sovereign power. In external matters, too, the sovereign State is supreme.

Definitions of sovereignty are many and varied (22 : 159). Bodin, the first Western writer to develop a systematic doctrine of sovereignty, defines it as 'the supreme power over citizens and subjects, unrestrained by law'.

Among modern writers, Duguit, a French professor, says that sovereignty as generally understood in his country is the 'commanding power of the State : it is the will of the nation organized in the State ; it is the right to give unconditional orders to all individuals in the territory of the State.' Burgess, an American writer, describes it as 'original, absolute, unlimited power over the individual subjects and over all associations of subjects'.

Giddings, the well-known American sociologist, in *The Responsible State* writes : "In all the dictionaries there is no other word that has more disastrously been conjured with by the metaphysical juggler . . . Jurists and political theorists, losing sight of concrete fact, gave their minds to abstractions. And sovereignty became for political science a thing that never was on sea or land."

Soltau describes sovereignty as the exercise of "final legal coercive power by the State". Finally, Roucek, Huszar and others, in their *Introduction to Political Science* say "In any theory of politics, the concept of sovereignty must be near the centre." Or, to quote them again, "Theories of sovereignty . . . are reflections of the social facts, political institutions and cultural backgrounds which they are intended to explain and to justify."

2. CHARACTERISTICS OF SOVEREIGNTY

Writers on the traditional doctrine of sovereignty have summed up its attributes as under :

- (1) absoluteness ;
- (2) universality ;
- (3) inalienability ;
- (4) permanence ;
- (5) indivisibility.

The sovereign power is said to be absolute and unlimited. There is no power on earth which can bind it. (a) Internally, the sovereign

power has absolute power over all individuals and groups of individuals within the State. Whatever limitations there may be are self-imposed. (b) Externally, too, the sovereign authority is considered supreme. It is absolutely 'independent of any compulsion or interference on the part of other States' (24 : 95). Treaties, international understandings and conventions, etc., do not destroy sovereignty, inasmuch as there is no compelling power behind them.

The remaining attributes of sovereignty are corollaries of this.

The sovereign power, as seen already, is supreme over all persons, associations, and things within the State. This does not prevent the State, however, from waiving its right of jurisdiction in certain matters. (No person or body of persons can claim exemption as a matter of right.) A well-organized worldwide association such as the Free Masons is not superior to any State. It is subject to the laws of individual States.

If sovereignty is absolute and unlimited, it stands to reason that it should be inalienable. A sovereign State cannot give away any of its essential elements without destroying itself. An American writer, Lieber, says : 'Sovereignty can no more be alienated than a tree can alienate its right to sprout or a man can transfer his life and personality without self-destruction.' A State may cede part of its territory to another State. By so doing it surrenders its sovereign rights over that particular territory without destroying its sovereignty as such.

Rousseau, who upheld the inalienability of sovereignty claimed that power could be transferred, but not will. Sovereignty is the

essence of the personality of the State and to alienate it is equivalent to suicide.

• Sovereignty is as permanent as the State itself. So long as the State lasts sovereignty lasts. The two are inseparable. The death or dispossession of a king or president does not mean the cessation of sovereignty. Sovereignty shifts immediately to the next bearer. 'It is only a personal change in the government, not a break in the continuity of State' (28 : 111). 4. *Permanence or perpetuity*

The indivisibility of sovereignty is a logical deduction from its absoluteness. Thus Gettell writes : 'If sovereignty is not absolute, no state exists; if sovereignty is divided, more than one state exists' (24 : 95).¹ 5. *Indivisibility*

'To sum up the discussion in the forcible words of Calhoun : 'Sovereignty is an entire thing : to divide it is to destroy it. It is the supreme power in a state, and we might just as well speak of half a square or half a triangle as of half a sovereignty' (22 : 173). Or, again, 'there is no difficulty in understanding how powers appertaining to sovereignty may be divided and the exercise of one portion be delegated to one set of agents and another portion to another or, how sovereignty may be vested in one man, in a few, or in many. But how sovereignty itself, the supreme power, can be divided . . . it is impossible to conceive' (22 : 177).

3. DIFFERENT MEANINGS OF SOVEREIGNTY

The term sovereignty is used in different senses, and failure to distinguish them results in much confusion. The term 'titular sovereignty' is used with reference to a king or other monarchical ruler who at one time was a real sovereign, but who for a long time has ceased to be such. The king of England is officially referred to as the 'sovereign', although his sovereignty is only nominal. Real power passed to other hands long ago. Therefore, the sovereignty of the king is a harmless fiction.

A distinction is often made between legal sovereignty and

1. Trietschke writes : "A State where sovereignty is divided would be impossible; only political dilettanti like Cicero would dally with such eclectic fooleries." (166 : vol. I : 136)

political sovereignty. The legal sovereign is the supreme law-making body in the State. Only its commands are laws. It can override

✓ Legal
Sovereignty

prescriptions of divine law, the principles of morality, and dictates of public opinion. Such a sovereign is found in England in the King-in-Parliament. Legal sovereignty is the lawyer's conception of sovereignty. It is 'the determinate person' referred to in Austin's definition of sovereignty. Courts recognize only those laws which emanate from such a sovereign authority.

✓ Political
Sovereignty

This term is not so easy to define. In a democratic country, while the legal sovereign is the supreme law-making and law-enforcing body, there is behind it the will of the people which is the ultimate and final source of all authority. It is the authority from whose verdict there can be no appeal. In the words of Dicey, 'Behind the sovereign which the lawyer recognises there is another sovereign to whom the legal sovereign must bow.' To quote the same authority again: 'That body is politically sovereign, the will of which is ultimately obeyed by the citizens of the state' (15: 66). Gilchrist defines it as "the sum total of the influences in a State which lie behind the law."

Much confusion arises when we attempt an exact definition of the term 'political sovereignty'. It is vague and indeterminate. It is not something which can be located with exactness. In a country in which direct or pure democracy prevails, legal and political sovereignty are almost coincident. But most countries where democracy prevails are of the representative or indirect type. Therefore, legal sovereignty and political sovereignty are different. Some writers identify political sovereignty with the collective community, some with the mass of the people, some with the general will, some with public opinion, some with the physical power of that part of the people who can bring about a successful revolution.

From political sovereignty to popular sovereignty there is a natural transition. According to the doctrine of popular sovereignty, ultimate authority rests with the people. In the

✓ Popular
Sovereignty

eighteenth century it became the cornerstone of the teaching of Rousseau, who proclaimed it 'as with a trumpet blast' (22: 164). The doctrine received further impetus in the nineteenth century with the growth of democracy so much so that, in all self-governing countries, it is taken for granted that the people are the ultimate custodians of political

authority. The legal sovereign cannot last long if it deliberately and continuously opposes the wishes of the people, for the people in the last resort can have recourse to force and establish a new government by means of revolution.

While the doctrine of popular sovereignty is a very attractive doctrine and satisfies the vanity of the people, difficulty arises when we attempt to analyze the concept and give it a precise meaning. The more we ponder over it, the more difficult we find it to define. It is open to all the criticisms to which the conception of political sovereignty is exposed. The two possible meanings that can be given to the term 'people' in defining popular sovereignty are (a) 'the total unorganised indeterminate mass', (b) the electorate. People, as understood in the first sense, cannot obviously be the sovereign. As regards the second, people can act only through legal channels if they are to be regarded as sovereign in any sense at all. In the words of Garner: 'Unorganized public opinion, however powerful, is not sovereignty unless it is clothed in legal form, no more so than the informal or unofficial resolution of the members of legislative body in law.' In actual practice, popular sovereignty seems to mean nothing more than public opinion in time of peace and the might of revolution 'in the case of a conflict' (24 : 100).

Whatever difficulties we may encounter in defining 'popular sovereignty', the doctrine contains several valuable ideas :

- (a) Government does not exist for its own good. It exists for the good of the people.
- (b) If people's wishes are deliberately violated, there is the possibility of revolution.
- (c) Easy means should be provided for a legal way of expressing public opinion.
- (d) Government should be held directly responsible to the people through such means as frequent elections, local self-Government, referendum, initiative, and recall.
- (e) Government should exercise its authority directly in accordance with the laws of the land and not act arbitrarily.

Sovereignty being a question of fact, a distinction is sometimes made between *de jure* and *de facto* sovereignty. The *de jure* sovereign is the legal sovereign and the *de facto* sovereign is the actual sovereign—a sovereign which is actually obeyed by the people whether it has a legal status or not. *De facto* sovereignty may rest purely on physical force or religious influence, while *de jure* sovereignty has the legal

right to command obedience. The distinction between the two comes out sharply in times of revolution. Some revolutions mean a mere

change in the personnel or organisation of government, while others result in a complete destruction of the old legal sovereign and the establishment of a new one. Austin refused to recognize the distinction between *de jure* and *de facto* sovereignty, because the

adjectives 'lawful' and 'unlawful' cannot be applied to the terms "sovereignty". According to Austin's view governments may be *de facto* or *de jure* but the latter terms are inapplicable to sovereignty.

To give an example, soon after the overthrow of the Chiang Kai-shek's regime in China, Communist China became *de facto* sovereign. But now that it has been in power for more than two decades and there is none to challenge its authority, and a good many States (including India) have recognized it, it may be regarded as both *de facto* and *de jure*.

4. LOCATION OF SOVEREIGNTY

One of the most difficult questions for a student of political science to answer pertains to the location of sovereignty in the State. There is diversity of opinion among reputed thinkers on this question. Gettell notes that among these thinkers sovereignty is located respectively in:

- '(1) The people of the State.
- '(2) The organization which has a legal right to make or amend the constitution of the State.
- '(3) The sum total of the legal law-making bodies in the government of the State' (24 : 98). (Legislature)

The first of these views need not detain us long. In dealing earlier with the conception of popular sovereignty, we have mentioned the several criticisms to which it is open. The other two views, however, cannot be so easily dismissed. Difficulty in locating sovereignty is not a serious question so far as the United Kingdom is concerned, where no distinction is made between constitutional law and statutory law. The English constitution is flexible and is not hemmed in on all sides, as is the American constitution. In the United Kingdom, legally speaking, the Parliament including the King, Lords and Commons is supreme. It can make and unmake any laws. It is, therefore, described as legal sovereign. The political sovereign is the people as a whole, or, strictly speaking the electorate.

In the United States, owing to its rigid constitution, it is not so easy to locate sovereignty. Neither the President nor the legislatures, federal or State, enjoy absolute legal powers. Every act of theirs which goes beyond the limits of the constitution can be questioned by the appropriate courts. Sovereignty, therefore, is not vested in them but rests in that body which is legally entitled to change the constitution.

Gettell and a few other writers take exception to the point of view which regards legal sovereignty as vested in that body which can make and amend the constitution. Their chief argument is that 'the constitution-making organs act intermittently and at infrequent intervals, in some cases never', while the sovereignty of the State must be constantly exercised. They, therefore, locate sovereignty in 'the sum total of all law-making bodies in the government', including (24 : 102) :

- '(1) *Legislature*—National, commonwealth, or local.
- '(2) *Courts*—In so far as they create law, not when merely interpreting or applying law.
- '(3) *Executive officials*—In so far as they create law, by ordinances, proclamations, etc.
- '(4) *Conventions*—When acting legally as law-making bodies, as in the case of a constitutional convention properly assembled.
- '(5) *Electorate*—When exercising powers of referendum or of plebiscite' (24 : 103).

Notwithstanding the merits added by Gettell the theory under review does not seem to be satisfactory. It rests on a profound confusion between the State and government. The various law-making bodies are manifestations of the organic unity of the State and are not divisions of the sovereignty of the State. Their powers of law-making are delegated powers. Therefore, sovereignty does not rest in them, but is vested in that body which can make and amend the constitution and allot its powers among the various organs which express its will.

5. JOHN AUSTIN'S THEORY OF SOVEREIGNTY

In his *Lectures on Jurisprudence*, Austin writes : The notions of sovereignty and independent political society may be expressed concisely thus : 'If a *determinate* human superior not in a habit of obedience to

a like superior, receives *habitual* obedience from the *bulk* of a given society, that determinate superior is sovereign in that society; and the society (including the superior) is a society political and independent'. Laws are defined simply as the command of a superior to an inferior. In Austin's words : 'Law is the aggregate of rules set by men as politically superior, or sovereign, to men as politically subject'. The chief reason for the bulk of a given society rendering habitual obedience to a determinate human superior is the power it possesses 'to put compulsion without limit on subjects or fellow subjects' (*Volume I 226, 1869 ed.*).

One of the most important things to note in Austin's theory of sovereignty is that he makes power or might the determining factor. There is no question of laws or right. If Rousseau places the emphasis on *will*, Austin's emphasis is on *force* (57 : 350).

The legal view of sovereignty has been best expounded by John Austin. It carries with it a certain scientific precision and finality which is highly impressive. It can be summed up under the following four simple propositions :

- 1) In every State (or 'society political and independent' as Austin calls it) there is a 'determinate human superior', who receives 'habitual obedience' from 'the bulk' of its citizens.
- 2) Whatever this superior commands is law, and without him there can be no law.
- 3) The power of this superior, which is known as sovereignty, is indivisible.
- 4) This sovereign power is absolute and incapable of limitation.

Criticism.

(1) All of these propositions have been severely handled by critics. Yet, as Lord points out, every one of them contains a truth or a half truth which is of importance.

- (a) The first proposition was attacked by Sir Henry Maine in his *Early Institutions*, in which he shows that in many of the Empires of the East there is nothing to correspond with 'the determinate superior' of Austin. In the Sikh kingdom of the Punjab, for instance, Ranjit Singh exercised despotic power over his subjects. To disobey even his smallest commands meant death or mutilation. Yet even he was subject to the customary laws of the community, and never issued a command in the Austinian sense of the term. Customs are

the outcome of ages and do not proceed from any 'determinate person' or body of persons.

- (b) It is relatively easy to locate the 'determinate superior' in the United Kingdom, but when the theory is applied to ancient despotisms of the East or to the constitution of the United States, it is not very helpful. Nevertheless, we agree with Lord in holding that because it is difficult to locate the supreme power in a given State we should not deny its presence altogether.

(2) Austin's second proposition is that the sovereign in the sense of a 'determinate human superior' is the supreme law-maker. Whatever he commands is law. As regards long-standing customs and immemorial traditions which exist in every community, alongside of positive laws, the Austinian position is 'What the sovereign permits he commands'. Taking for example, the English common law 'which exists in customs, which are explained, modified or expanded when the courts apply them' (28: 115), it may be said that the king in Parliament permits the common law and as such can alter it in the way it pleases. But this is largely a theoretical power, for the sovereign cannot alter much of the common law without endangering its own safety.

Austin's theory, in brief, errs in regarding all laws as merely 'commands' and in overemphasizing the single element of force. The supremacy of his sovereign is only in respect of positive law: and it is only in the legal, and not in the moral or physical sense possible to apply his theory. Only as a maker of positive law the sovereign is supreme and uncontrolled.

From all this it would appear that the Austinian sovereign is not the sole creator of laws. Duguit goes so far as to say that it is not the State which creates laws, but it is laws, which create the State. 'Laws', he says, 'are merely the expression of social necessity'.

- (3) The third proposition is that sovereignty is indivisible.

- (a) From one point of view, as Lord points out, this is an untenable proposition. In every political society there is a division of functions though not of will, and without such division no government can be conducted effectively. In the British constitution, there is not only a Legislative Sovereign, but also an Executive and a Judicial Sovereign. From this it would appear that sovereignty is divisible. In reply to it,

the Austinians would say that the legislative sovereign is the real sovereign because it is habitually obeyed by the executive and the judges. But what about countries such as the United States which have a fundamental law, unalterable by the ordinary process of legislation?

- (b) The distinction between legal and political sovereignty also has at times been construed to mean the divisibility of sovereignty. Austin was aware of the fact that the people of England or 'the numerous body of the commons', as he described them, had a share in sovereignty. But, not being able to anticipate the later distinction between legal and political sovereignty, he fell into the error of believing that people formed a part of the legal sovereign.

(4) The fourth proposition is that the sovereign power is absolute and unlimited. This position has been vehemently attacked by pluralists. Even non-pluralists recognize that though the sovereign may be legally unlimited, there are political and historical limits on every side. They consider the unlimited authority and infinite right of the sovereign power as mere abstractions of jurisprudence.

THE PLURALIST CRITICISM OF THE THEORY OF SOVEREIGNTY

Political pluralism which criticises the doctrine of sovereignty is the logical consequence of a pragmatic analysis of the dynamics of power. The concentration of power at a single central source results in a tyrannical social order. The dispersion of power to peripheral points of the body politic is the basis of free societies. Laski's theory of the pluralistic state is essentially based on a federal conception of political authority. The federal conception of political authority is the indispensable condition of a really democratic political system. The pluralist thinks that the state should not monopolize power in society but should share it equitably with other groups and associations. It should not try to reduce the varied aspects of its citizens' lives to a wooden uniformity. Instead of threatening force to secure the total acquiescence of all dissenting groups in its own majestic will, the state should respect their reasonable autonomy and regard social diversity as the conclusive proof of a really healthy community¹.

1. Harold J. Laski : "The Problem of Sovereignty", Chapter I; pp. 5-21.

In the interests of society as a whole, the state is asked to renounce its claim for sovereignty.

Reinterpretation of the Doctrine of Consent.

Besides, this argument involves a re-interpretation of the doctrine of consent in politics. It regards the traditional doctrine of consent as "a specious intellectualism" which does not express the governmental process adequately. "We do not choose our governors", Laski says, "in the sense of actively making certain persons govern by our deliberate choice. We do not accept their legislation in the sense of finding it expressive of what is one with our own sense of our needs. Between us and our rulers there lies a vast abyss which is filled by the devices that power and its varied mechanisms bring into being. We are told that public opinion wills this and desires the other. But we have no satisfying channels either for the garnering of public opinion or for placing before it the materials upon which it may build an edifice of demand which represents its wants. Consent may in practice mean any of a score of things from blank ignorance through dumb inertia to deliberate coercion" (47:241). If the liberal dogma of consent as the basis of government be impracticable, what is its proper substitute? The alternative that Laski suggests is the maximum association of the organised interests within the community with the dynamics of government.

Revision of the Theory of Representation.

The participation of organised groups in the actual formulation of state policies can be secured only by reorganizing the representative mechanism of the modern state. Walter Lippmann once said that the classical theory of representation assumes that the successful candidate of a constituency represents the best wisdom of his constituents and that the legislature composed of such delegates is the best repository of national wisdom.¹ Disagreeing with the classical theory, Laski says, "Obviously, nothing of the sort occurs. The wisdom of most men is simply never made available to their representatives in a central legislature. Those who choose are,

1. Walter Lippmann: "Public Opinion", p. 288. Writing in an American context, Lippmann says, "The theory is that the best man of each district brings the best wisdom of his constituents to a central place and that all these wisdoms combined are all the wisdom that Congress needs". (Quoted by Laski in "A Grammar of Politics", p. 264).

often enough, unable to say what that wisdom is; those who are chosen are not seldom unable to interpret, sometimes from self-interest, sometimes from stupidity, the wisdom that does express itself. The idea that my will and my experience are, in some mystic fashion, embodied in the will and experience of my representative is contradicted by all the facts at our disposal. My will cannot, as Rousseau saw, ever be represented at all" (47:264).

Rousseau, Laski and G.D.H. Cole.

Rousseau suggested direct democracy as a substitute for representative democracy. But direct democracy can properly function only in small communities. Laski does not agree with Cole's view of functional representation either. "It is true", he says, "that I cannot be fully represented as a citizen, but it is also true that I cannot be fully represented as an engineer or a doctor or a carpenter" (47:266). Instead of a functional parliament replacing the territorial assembly of the present, he would like the creation of a system of advisory councils of interest groups to aid and advise the territorial legislature as well as the administrative departments of the state, "Because society is federal", says Laski, "authority must be federal also. That involvesthe making of decisions out of the interests which will be affected by them, and, in turn, their application by those interests. It means making the mining industry a unit of administration in the same sense as Lancashire. It means surrounding the Ministry of Education with bodies entitled to speak on behalf of the parties to the educational process..... It means the abandonment of the sovereign state in the sense which equates the latter with society and gives it, thereby, the right to dictate to associations within society" (47:271). The basic problem that confronts the pluralistic theory of the state revolves round the conception of sovereignty. The validity of the pluralistic theory as a whole depends upon the effectiveness of its charges against the classical conception of sovereignty which was so admirably put forward by Austin and his disciples.

Lindsay, Barker and Klabbe on Sovereignty.

While the anarchists believe in the abolition of the state, the pluralists like Laski are prepared to retain it but on condition that it surrender its sovereignty. "If we look at the facts", wrote Lindsay, "It is clear enough that the theory of the sovereign state has broken

down".¹ Barker agreed that "no political common place has become more arid and unfruitful than the doctrine of the sovereign state".² Krabbe similarly pleaded that "the notion of sovereignty must be expunged from political theory".³ Echoing these words, Laski argued that "it would be of lasting benefit to political science if the whole concept of sovereignty were surrendered" (47:44). There ought to be grave reasons, one is led to believe, that have provoked in the pluralist mind so violent an attitude against the doctrine of state sovereignty.

Three Aspects of Sovereignty.

The classical theory of sovereignty, according to Laski, demands a critical investigation from three different aspects. One of the aspects is historical. The sovereign state is essentially a product of certain historical circumstances in a definite epoch. The history behind the sovereign state should be carefully scrutinized and the various factors that gave rise to it should be scientifically analysed. This kind of historical examination of the doctrine of state sovereignty would alone explain its present strength and its future utility. In the second place, the theory of sovereignty involves a conception of law which regards it as the command of the sovereign. It should be carefully examined how far the juristic postulates of Austin are valid for political philosophy. Lastly, the modern theory of sovereignty is based on a theory of political organization which insists that in every political society there ought to be a definite human superior who is habitually obeyed by all administrative agencies and all private citizens. In other words, it insists upon a centralized administrative structure in industry and in government with little scope for group autonomy and individual initiative. The traditional views regarding sovereignty expressed successively by Bodin, Hobbes, Rousseau, Aegel and Austin should be reconsidered from all the three angles. Laski examines the theory of sovereignty from all these aspects and arrives at the startling conclusion that it is completely valueless for modern political theory.

1. A. D. Lindsay: "The State in Recent Political Theory", in "Political Quarterly" Vol. I (February 1914), pp. 128-145).

2. Ernest Barker: "The Superstition of the State", in "London Times Literary Supplement", (July, 1918), p. 329).

3. H. Krabbe: "The Modern Idea of the State" (Translation by George H. Sabine and Walter J. Shepard, New York and London, 1922), p. 35.

Historical Aspects of Sovereignty.

Historically, the sovereign state is the product of the religious struggles of the western world in the sixteenth century. The emergence of the sovereign state gave rise to the monistic theory of the state. "We must ceaselessly remember", says Laski, "that the monistic theory of the state was born in an age of crisis and that each period of its re-verification has synchronized with some momentous event which has signalized a change in the distribution of political power. Bodin, as is well known, was of that party which, in an age of religious warfare, asserted, lest it perish in an alien battle, the supremacy of the state. Hobbes sought the means of order in a period when King and Parliament battled for the balance of power. Bentham published his "Fragment" on the eve of the Declaration of Independence; and Adam Smith, in the same year, was outlining the programme of another and profounder revolution. Hegel's philosophy was the outcome of a vision of German multiplicity destroyed by the unity of France. Austin's book was conceived when the middle classes of France and England had, in their various ways, achieved the conquest of a state hitherto but partly open to their ambition" (129 : 233). The monistic political thinkers, who evolved the doctrine of state sovereignty, did so in order to reinforce the authority of the state in a period of crisis.

Luther, Grotius, Bodin and Locke.

Externally, the theory of the sovereign state represented the protest of national monarchies in Europe against the papal claims of overlordship. Luther was the first protagonist of princely sovereignty as the success of the Reformation and his struggle against the Pope depended on the support and alliance of the princes who were waging a similar struggle in a different sphere. Grotius was the first jurist who evolved his theory of international law on a clear recognition of the principle of state sovereignty in the international field. But the recognition of state supremacy in the international field was not enough. The existence of national monarchies was jeopardized by the religious feuds and the consequential division of the national communities into warring sects. The ruling princes applied their sovereign rights to secure internal peace by suppressing and persecuting the members of the rival sects in the beginning. When this policy failed to achieve necessary results, the political thinkers like Locke recommended a policy of religious toleration so that the religious

minorities could be gradually assimilated within a nation. Bodin was the first political thinker who suggested the extension of sovereignty in the internal sphere.

Hobbes, Rousseau, Bentham and Austin.

Originally the sovereign state emerged to vindicate the supremacy of the political authority against ecclesiastical claims. Subsequently, it extended its supremacy to every department of human activity, religious or otherwise. The social groups, economic classes, religious sects and even cultural associations were brought under the iron heel of the all-conquering state. In the hands of Hobbes, the theory of sovereignty became an instrument of monarchical despotism. Rousseau glorified the sovereign people but his ideas were utilized by the French bourgeoisie to establish its own dictatorship in France. In the name of sovereignty, Hegel asked the German people to surrender their liberty and rights to a feudal-militarist clique that ruled Prussia in the name of the Emperor. Bentham was the spokesman of the English middle-class that aspired to control the English state by way of parliamentary sovereignty. Austin, as Laski thinks, emphasized the dogma of parliamentary sovereignty as a device to perpetuate a similar *status quo*. Chief Justice Marshall interpreted the doctrine of national sovereignty for the benefit of the American bourgeoisie struggling against state particularism.

Limited Validity of the Theory of Sovereignty.

The conclusion that Laski draws from this analysis of the historical evolution of the sovereign state is that the theory of sovereignty might be considered valid for particular societies in a particular epoch but it could not be regarded as valid for all societies in all ages. The conception of state sovereignty was completely unknown to ancient Greeks and was quite out of place in medieval politics. Even in modern times, the doctrine of state sovereignty was successively challenged by organized groups within the community either religious or economic. A historical survey of the successive conflicts between the British Parliament and the various religious sects on the question of secular control over doctrinal affairs or internal discipline of the sects has conclusively proved the inadequacy of the theory of parliamentary sovereignty as conceived by Austin. The miserable failure of Bismarck's experiment with the '*Kultur-Kampf*' proves the same thing under German conditions. Laski further holds that the

operation of sovereignty remains suspended in times of civil upheaval when different factions fight among themselves for the control of state sovereignty but none of those factions is able to claim that it commands it. The theory of sovereignty is, therefore, on its internal side a doctrine of doubtful validity.

International Aspect of Sovereignty.

In modern times, the theory of sovereignty has become anachronistic on its international side also. "Internationally", says Laski, it is not difficult to conceive the organisation of an allegiance which reaches beyond the limits of the state. To leave with a handful of men, for instance, the power to make war may well seem anachronistic to those who envisage the consequences of war. When State sovereignty in international affairs was recognized, there was no authority existent to which that type of control might be entrusted. It is at least arguable now that an authority predominant over states may be conceived which is entrusted the regulation of those affairs of more than national interest.....It involves, at any rate on the international side, the abolition of State Sovereignty". He thinks that the emergence of a world organization like the former League of Nations was essentially a development in this direction.

Juristic Aspects of Sovereignty.

Secondly, the theory of state sovereignty as developed by Austin and his disciples does not even give a true explanation of the legal order of those political societies for which it has largely been conceived. In the sphere of jurisprudence, Laski finds the views of Montesquieu, Sir Henry Maine, Durkheim, Duguit and Krabbe as of far greater value than those of the analytical jurists like Austin. "Political philosophy," says Laski, "must, doubtless, consider law as an important factor in the life of the State. But it must also bear ceaselessly in mind that the method of approach to the nature of law is, for itself, either akin to that suggested by Montesquieu, or else more likely to deceive than to assist. Law, for the student of politics, is built upon the general social environment. It expresses what are held to be the necessary social relations of a State at some given period. The organ by which it is declared to be law is, for politics, incomparably less important than the forces which made that organ act in the particular way" (47 : 55). Laski is, therefore, convinced that Austin's conception of the legal order as a formal hierarchy, in

which the political superior is entitled to receive habitual obedience to its commands from all who happen to reside within its territorial jurisdiction, is inadequate because it does not inquire into the substance of those commands which are to be canonized as law by the fiat of the sovereign.

Positivist Conception of Jurisprudence.

In this way, Laski is led to develop his positivistic or historical conception of jurisprudence. Like Sir Henry Maine, he regards law as the embodiment of custom and moral outlook of a given society. In other words, it is an expression of social relations of a given period. The political superior of Austin's conception, when deprived of its conceptual majesty, is actually an agent of the dominant social groups for registering their will which is conditioned by the social environment in which it is formulated.

Pragmatically speaking, the will of the sovereign is never absolute because it is in a continuous process of modification due to the resistance put up by the corporate wills within the state. The corporate wills as necessarily define the content of law as the will of the political sovereign. The King-in-Parliament may be sovereign in a formal sense but the factory legislation of England would be unintelligible purely in terms of the will of the political sovereign. A realistic conception of law must concede that the corporate wills of trade unions have played as effective a role in the actual formulation of labour legislation as the will of the political sovereign expressed through parliamentary leaders.

Personality Theory of Corporations.

Laski is attracted by the juristic conceptions of Gierke and Maitland although he does not fully agree with the personality theory of corporations advanced by them. But he agrees with them in regarding the corporation as autonomous bodies sharing along with the political sovereign in the legislative process and legal life of the community. The classical theory of sovereignty denies that the sources of law are essentially plural. Laski as a pluralist recognizes the inherent plurality of the legal order.

Federalism and Sovereignty.

The emergence of federal politics further shows the inadequacy of Austin's conception of sovereignty. It is difficult to locate a deter-

minate human superior as the political sovereign in the American body politic. "The Congress", says Laski, "is a limited body the powers of which are carefully defined; the separate states are similarly combined within the four corners of the Constitution; and even the amendment of the Constitution is limited by the exception that no state shall, without its own consent, be deprived of its equal suffrage in the Senate. In the theoretic sense, therefore, the United States has no sovereign organ; for the Judges of the Supreme Court, being over-ridden by Constitutional Amendment, are clearly only a penultimate court of reference. A peculiar historical experience has therefore devised the means of building a state from which the conception of sovereignty is absent" (47 : 49). But this type of difficulty is not confined to those states which have adopted a federal form of government. The peculiar structure of the Belgian constitution is cited by Laski as an example of a unitary state which also lacks a sovereign organ in the Austinian sense.

Complexity of the Law-making Process.

The sociological conception of law clearly points out that the law-making process is too complex to be adequately explained by the simple Austinian hypothesis. "The most perfect example of the Austinian view," says Laski, "is, of course, the position held by the King-in-Parliament. Any command which issues therefrom will, as Dicey pointed out in a classic analysis, be obeyed by enforcement through the courts. But every one knows that to regard the King-in-Parliament as a sovereign body in the Austinian sense is absurd. No Parliament would dare to disfranchise the Roman Catholics or to prohibit the existence of trade unions. If it made the attempt, it would cease to be a Parliament" (47:52). Laski is of opinion that Parliament can behave as an Austinian absolute only in a conceptual world. If it tried to act in the same manner in the world of realities, it is bound to be destroyed by the organized will of the nation as a whole or that of the powerful dissenting groups.

Dicey's View on Political Sovereignty.

But when Laski says that the will of the King-in-Parliament may be superseded by the will of the nation, he is merely echoing Dicey's words that there is a political sovereign behind the legal sovereign. This political sovereign, as Dicey said, is the electorate. Laski has, however, restated the same thing in a pluralistic form. "There is

probably a larger degree of obedience," he says, "from the sovereign Parliament to its constituents than there is the other way round; a series of by-elections, for instance, produce with amazing rapidity a change in the will and temper of the sovereign. Behind.....the legally omnipotent authority it is not very difficult to discern an electorate to whose opinions and desires increasing deference must be shown. That notion of an increasing deference is important. As the community becomes organized into associations with the end of bringing pressure to bear on government, the sovereign organ becomes, as a general process, little more than a machine for registering decisions arrived at elsewhere. All the forms of an Austinian arrangement are preserved; but it is upon their saving condition that their substance is surrendered" (47:53). The pluralistic state is thus a state without sovereignty. It is just an association among other associations advancing no particular claims of legal majesty for itself.

The Fiction of Popular Sovereignty.

The reaction of Laski to Rousseau's conception of popular sovereignty is equally hostile. He thinks that the theory of Rousseau is an impossible fiction. The hypothesis of Rousseau is that unlimited power in society should be vested in the people as a whole. Laski admits that the myth of popular sovereignty has been the theoretical basis of a number of popular revolutions—the most important of these being the American and French Revolutions. But the real criticism of the theory of popular sovereignty is that it always remained a myth. The sovereignty of the general will could not operate, as he thinks, even under the modern conditions of representative government.

According to Laski, administrative application of Rousseau's theory of popular sovereignty is not in the realm of a working hypothesis. Rousseau tried to distinguish between the state and government by assigning unrestricted power to the former. In the absence of representative institutions, the government was to be carried on either by perpetual plebiscites or frequent meetings of the assembly of all citizens. Laski thinks that "so frequent an elicitation of the sovereign's will" was not possible even in small states. The business of the modern state is too complex to be conducted in this way. In practice, democracy can mean no more than majority rule through elected parliaments and this was not acceptable to Rousseau. Laski feels that Rousseau's political system was likely to lead to oligarchical

rule of "that minority" which is able to manipulate the will of the mass of the population. The conception of popular sovereignty in the sense of the whole people legislating, adjudicating and administering themselves was, therefore, an impossible fiction (129:213). It shows that Laski is neither prepared to accept the doctrine of sovereignty as a legal postulate of Austin's conception nor would he accept it in the form of Rousseau's myth of the general will.

12

POLITICAL PLURALISM

THOUGH pluralism and a pluralistic universe are long-established terms in philosophy, pluralism in political science is a relatively modern term.

The pluralistic theory of the State is opposed to the monistic theory. Mabbott distinguishes between absolute monism and concrete monism. According to the former theory, the State is the only legitimate association and all others are to be suppressed by the State if necessary. No one in his senses would support such a theory today. *Definition of Terms*

Concrete monism, on the other hand, admits the need of functional associations, but wants to subordinate them to the State. This theory of the State has many followers among political thinkers. Pluralism, in the strict sense of the term, argues that the State and other associations are on a par with each other and that the State is not to have any superior value or status. Extreme pluralists would want to abolish the State altogether and transfer all its functions to other associations. In this respect pluralists are no different from anarchists. Most pluralists, however, do not go that far. They stop with guild socialism or at the most with syndicalism. Mabbott takes the view that the State is "a specialized association among others" (141 : 119).

In his well-known work *Political Pluralism*, Hsiao defines the monistic state as "one which possesses, or which should possess, a single source of authority that is theoretically comprehensive and unlimited in its exercise". By contrast, the pluralistic state is defined by Hsiao as "one in which there exists no single authority that is all competent and comprehensive, no unified system of law, no centralized organ of administration, no generation of political will".

Among the factors, responsible for the rise of pluralism, the generally held opinion is that pluralism is a reaction to the absolutist conception of the State as held by Hegel in the nineteenth century and as it influenced the idealists, militarists and fascists. Hegel raised the State to a mystical height, viewing it as 'God on earth' and investing it not

only with supreme legal but also with supreme moral authority. Coker regards this factor as secondary when compared with such factors as the ⁽²⁾rigid legal view of sovereignty as advocated by the analytical jurists since the days of John Austin. Critics remind us that Hegel interpreted the State primarily in terms of its moral supremacy and was not averse to the idea of functional representation, so dear to the hearts of pluralists, particularly the guild socialists.

The legal view of sovereignty is often regarded by pluralists at any rate as the principal factor responsible for the rise of pluralism. But as impartial critics have pointed out there can be no gainsaying the fact that within the limits prescribed by Austin, sovereignty is supreme and that such sovereignty cannot be shared with other associations.

Closely connected with the legal approach to sovereignty is the conception of law as laid down by the analytical jurists. Pluralists such as Duguit and Krabbe object to the entire approach and hold that law as such (the spirit of law) is superior and anterior to the law laid down by the State. They forget that Austin and his followers are concerned only with positive law, legal law or statutory law; and are not directly concerned with such conceptions as moral law, natural law, and the sense of law embedded in the minds and consciences of people.

A fourth factor put forward by some writers for the rise of pluralism is the rise and rapid spread of federalism in the field of constitutions. Their argument is that the experience of federal states is that sovereignty in the Austinian sense of the term is difficult, if not impossible, to locate in a federal state. Therefore, they jump to the conclusion that pluralism is the only logical solution. One cannot very well agree with this view because, however difficult it may be to locate sovereignty in a federal state, it is not absent. As Hsiao says "Federalism and monism are not incompatible terms" (113 : 7).

The urgent need there is for an effective international law and international morality is often cited as a reason why sovereignty should undergo modification in the direction of pluralism. This argument too does not carry much conviction. It is possible to interpret the limitations of international law and international morality as auto-limitations or self-limitations. If the British Constitution can function satisfactorily on the basis of conventions, so can states with

limited external sovereignty in a rapidly shrinking world. Internationalism and sovereignty are not incompatible with each other.

Pluralism in the western world may be said to have had its dim beginnings in the guild system of the Middle Ages.¹ In the unsettled conditions of those times, the merchant, trade, and craft guilds of the period came to enjoy considerable autonomy and assumed the character of corporations. *Pluralistic Thinkers.* Otto Gierke in Germany and E. W. Maitland in England, in the last quarter of the nineteenth century, may be regarded as the originators of pluralism in modern times, on the side of permanent groups within society. Both these writers look upon these groups as having a consciousness and a will of their own, as distinct from those of their individual members.

Much the same doctrine of the 'real personality' of groups has been advocated by J. N. Figgis in relation to the Church. The Church, he says, does not exist by an act of grace on the part of the State, but has 'powers of self-development like a person'. Its corporate personality is neither granted nor withheld by the State but has simply to be recognized. Human society, says Figgis, is not a 'sand heap of individuals related only through the State, but an ascending hierarchy of groups'. The traditional doctrine of sovereignty is, therefore, according to him, 'a venerable superstition'. The general trend of his thought is that there are different spheres of action in which different groups should function exclusively.

Pluralism has found its support in England in the writings of the Webbs, G. D. H. Cole, H. J. Laski, A. D. Lindsay, and E. Barker. They do not all adopt the same approach nor do they place the same emphasis on pluralism. *Pluralism in England*

Cole may be regarded as the most vigorous upholder of pluralism among English writers ; but even he toned down his views in his later years. According to the Webbs and Cole, legislative power must be divided between several bodies or 'parliaments' so that the legislative function, as a constitutional instrument, becomes a system of balance of powers, not between a parliament and a supreme court but between many independent "functions" or organized interests so that every one of them should be in its own sphere supreme (Hsiao).

1. For ideas in this section the author is indebted to F. W. Coker and Hsiao.

The Webbs, like Cole, envisage a "Social Parliament" and a "Political Parliament", the former to represent individuals as members in a "Social Democracy" and the latter to represent them in the capacity of citizens in a "Political Democracy". Suffice it to say that this is an impracticable division.

According to *A. D. Lindsay*, "the State. can have control over the corporations within it only if, and so far as, the citizens are prepared to give it such power". The State has no personality of its own, for the idea of a 'group mind', a 'group will' or a group personality in reference to corporations is an absurdity. The State is 'an organization of organizations'. While other organizations have a voluntary and selective membership, the State has a *compulsive* and *comprehensive* membership. But this uniqueness alone is not enough to justify the doctrine of a sovereign State.

Ernest Barker rejects the conception of the 'real personality' of groups. But he admits the juristic claim that the permanent groups within society existed prior to the State and that each of them has a corporate character and function of its own. 'The State', says Barker, 'as a general and embracing scheme of life, must necessarily adjust the relations of associations to itself, to other associations, and to their own members—to itself in order to maintain the integrity of its own scheme; to other associations in order to preserve the equality of associations before law, and to their own members in order to preserve the individual from the possible tyranny of the group'. The State is interpreted as a group of groups or a community of communities.

While there is no logical connection between pragmatism and pluralism in general, in the thought of *William James* the two seem to be linked together. James looks upon pragmatism as offering a middle course between absolute monism and absolute pluralism. Commenting on it, *Hsiao* observes that James loves a pluralistic universe, but that his reason tells him to choose a monistic order.

Miss M. P. Follett in her excellent book, *The New State*, shows distinct pluralistic tendencies, but refuses to take an extreme view. She looks upon the State as a unifying agency. It acts upon the individual not only through the various groups to which he belongs but also directly. In the striking language of the author herself: 'the state cannot be composed of groups because no group nor any number of groups can contain the whole of me, and the ideal state demands the whole of me. My citizenship is something bigger

than my membership in the vocational groups. We want the whole man in politics. . . . The ideal unified State is not all-absorptive. It is all inclusive. . . . The true State must gather up every interest within itself. It must take our many loyalties and find how it can make them one. The home of my soul is in the state'. This notable tribute to the uniqueness of the State from one who shows distinct pluralistic tendencies is indeed significant.

R. M. MacIver (originally a Canadian), in his *The Modern State*, advances the familiar pluralistic conception that the State is one association among many within the community, although exercising functions of a unique character. The State has the essential character of a corporation. It has 'definite limits, definite powers and responsibilities' (55 : 473). As a Corporation, 'it is the subject of rights and obligations which belong to it as a unity' (55 : 473). Other associations being as native to the soil of society as the state itself, the state is not their creator. It stands for the common interest of all individuals and associations, but not for the whole of the common interest' (55 : 473). 'The partial interests of a thousand associations, cultural and economic, are also parts of the common interest' (55 : 476). The business of the State is merely to give 'a form of unity to the whole system of social relationships'.

MacIver goes on to say that the legalistic conception of sovereignty is false and inadequate to explain the nature of sovereignty. In the first place, it is formal. Legally, the State is unlimited because it is the source of legal enactment. But so is the case with regard to the Church, because it is the source of ecclesiastical law. Secondly, the legalist doctrine speaks in terms of power, and not of service. Service is the end of the State, and power is its means. The service of the State is not unlimited and, therefore, the conception of unlimited sovereignty is 'dangerously false'.

The two writers who merit our serious attention under this heading are Leon Duguit of France and H. Krabbe of Holland.

Duguit is totally opposed to the theory that law is a command of an absolute and unlimited sovereign. Law, he says, is 'independent of, superior and anterior to political organization, and is objective and not subjective' (Coker). Laws are the conditions of social solidarity or the interdependence of man. They are obeyed because they are the formal expression of social rules. They are necessary for the attainment of social solidarity. Law is not force.

Law limits the State, and not the State, law. 'The State does not command but humbly serves'. 'Therefore, emphasis is to be laid on the duties of the State, rather than on its rights. Public service rather than sovereignty is to be its essential characteristic.

Law is certainly not the command of the State, according to Duguit. It emanates from many sources and this plurality, Duguit calls, legal decentralization.

Duguit further attacks the personality of the State which he considers is mere fiction. His argument is that the State has no real existence apart from the persons who comprise it and who are bound together by social interdependence.

Krabbe's point of view is essentially similar to that of Duguit. The starting point of his thinking is that law and political sovereignty were distinct entities in the eighteenth century, but gradually became amalgamated. His endeavour is to separate the two once again. The only sovereignty which Krabbe is willing to recognize is the sovereignty of law. Law, he argues, is independent of, and superior to, the State. It does not arise out of social solidarity, as in the case of Duguit, but is the outcome of the *sense of right* of the majority of the community constituting the State.

Law, according to Krabbe, is subjective and spiritual in origin. Power is not the essential feature of the State. The characteristic mark of the State is that it is a legal community. 'The State is nothing except a legal community ... a portion of mankind having its own independent body of legal relations. Hence the State performs no function whatever except to impute legal value to certain interests'.

Unlike Duguit, Krabbe carries his idea of law into the realm of international relations. According to Krabbe, the *sense of right* should extend to international affairs as well, and to the extent to which progress is made in this direction, the legal activity of existing States should contract. Eventually, Krabbe believes that the present States will become provinces of one supernational State, but before this supernational plane is reached, the 'international community must pass through the phase of the idea of sovereignty' (44 : 217).

CRITICISM AND APPRECIATION

From what has been said above it will be clear that the traditional doctrine of sovereignty has been assailed from three different angles : the angle of permanent groups or associations ; the angle of interna-

tional relations, and the angle of law. We shall deal with them one by one.

Pluralism contains a large element of truth, *State Sovereignty and Group Autonomy* although it grossly exaggerates it. It is a welcome reaction against the glorification of the State. Whatever legal supremacy the State may possess, it should be subject to moral limitations.

In her admirable book, *The New State*, Miss Follett sums up the merits of pluralism as follows : (1) The pluralists prick the bubble of the present State's right to supremacy. (2) They recognize the value of the group and see that the variety of our group life today has a significance which must be immediately reckoned with in a political way. (3) They plead for a revivification of local life. (4) They see that the interest of the State is not always identical with the interest of its parts. (5) Pluralism is the beginning of the disappearance of the crowd. (6) It has seized upon the problem of identity, of association, and of federalism.

In spite of these merits, we cannot accept political pluralism for the following reasons :

(i) The logical conclusion of pluralism is anarchistic individualism although pluralists as a whole do not admit this truth. To divide sovereignty is to destroy it. Even after dividing sovereignty between the State and other associations, the pluralist is eager to assign to the State the function of co-ordination and adjustment. The State is viewed as a 'society of societies' or 'an association of associations' endowed with the function of adjusting relationships.

To perform this function satisfactorily, the State should be given supreme legal control. It should not tolerate the existence of any association which is hostile to general welfare and state policy which aims to promoting that end.

(ii) When the pluralist clamours for a slice of sovereignty for each of the permanent groups functioning within society, the most which we are prepared to concede to him is as much of local autonomy as will be consistent with the safety of the State and general welfare. Mabbott is right when he says "Every association in its corporate capacity must keep the peace, be subject to criminal law, submit its disputes to the civil law, obey such regulations as are necessary for the achievement of those aims which only the State can secure, and contribute to the taxation which makes all the above State action possible" (141:124).

The Church, like any other association, is subject to the civil and criminal law of the country. There is no justification for extending any kind of immunity to the clergy as in medieval times or for tolerating clerical parties in politics as in certain European countries. "The Church . . . can claim absolute freedom for her doctrines, her forms of worship, and the inculcation of her moral standards. She must render absolute obedience in the fields where the State is supreme—peace, security, order, health and contract' (141:137).

(iii) The pluralist naively assumes that the various groups within society run along parallel lines and that there is no overlapping of functions among them. If this assumption were sound, there might be no occasion for a sovereign State. But the facts of social life are the overlapping of functions, the clash of interests, and the conflict of loyalties. For the settlement of this state of affairs we require an authoritative State. The guild socialists forget that no sharp line can be drawn between economic and political questions.

(iv) The monistic enemy whom the pluralists attack is, to a very large extent, an imaginary figure. We are not apologists for Hegelian absolutism. But very few monists today are Hegelians. None of the traditional supporters of sovereignty, barring the Hegelians, claim omnipotence for the State. They acknowledge the fact that the actual power of the State is limited by the possibilities of effective disobedience, as well as by restrictions of a moral and rational character. Such admission, however, does not entitle the pluralist to draw the conclusion that the State is not sovereign and that it has no superior claim to a person's allegiance.

The main tenets of monism, as summed up by Coker, are (a) that inter-relations between individuals and groups require an organization of unification and co-ordination, (b) that this organization should have the right to compel membership within a given territory, (c) that it should be endowed with coercive authority to carry out its orders, and (d) that there cannot be more than one organization of this kind in a given territory. All these contentions seem so sensible that we cannot conceive of serious opposition to any of them.

(v) The one unique feature of the State is that it is compulsive and comprehensive in its membership. Dr. Lindsay admits this uniqueness, but claims that it is not enough to constitute a sovereign State. We fail to see the logic of this position if sovereignty is interpreted, as in the preceding paragraph. The State, says Miss Follett, is a unifying, and not mere co-ordinating, agency.

(vi) Not only Miss Follett, but many other pluralists, fail to go clear over to the pluralistic goal of a non-sovereign State. This means that, in spite of their eagerness to establish a position of absolute equality for all essential associations, the logic of the situation compels them to give a supreme place to the State (*F. W. Coker*). Thus we find that Gierke and Maitland, while ascribing real personality to groups, recognize the fact that the State is above other social bodies.

(vii) Pluralists do not make it absolutely clear just what it is that they want. If the State is to become an association like other associations, will the pluralists abolish compulsory taxation and compulsory citizenship? One thing which is clear is that the pluralists attack the sovereignty of the State in order that the various permanent groups within society may have as large a degree of local autonomy as possible. To such a legitimate desire no monist can rightly object: it is eminently just that a larger share in the control of industry and government should be given to those who are at present excluded from such control.

As a theory which corrects the excess of the traditional doctrine of sovereignty and supplements what is lacking in it, pluralism is a valuable theory. But when it seeks to supplant it altogether, it becomes dangerous, if not futile.

It is curious that in spite of their loud protestations against State authority, many pluralists ardently support, or at least complacently tolerate, other forms of social coercion. Even such an ardent lover of liberty as Laski declares: 'Legally no one can deny that there exists in every State some organ whose authority is unlimited.'

State Sovereignty and Internationalism.

Here we find ourselves in substantial agreement with the point of view of internationalists. It seems to us that the need for external sovereignty is not so urgent as the need for internal sovereignty. The time has come for the States of the world to set up a strong, impartial and universally respected international body and abide by its decisions in all matters of common interest. The League of Nations and the Hague Tribunal were steps in this direction. The United Nations today has the potential power of becoming an instrument of world co-operation and peace, but before this can come about, the nations of the earth will find it incumbent to modify current adherence to absolute State sovereignty.

Already virtual limitations are placed on sovereignty by the

Charter of the United Nations in Article 2, paras 4 and 7 and in Article 24, para 1. It is interesting to note that in the Nuremberg trials after World War II, the waging of aggressive war was not admitted to be a prerogative of State sovereignty.

If States are to surrender their sovereignty, either partially or wholly, in international relations, it may well be asked, what is to become of the doctrine of absolute, unlimited and indivisible sovereignty? Our answer is that the well-being of humanity is of infinitely greater importance than the forcible fitting of world situation into a preconceived theory in order to save face.

State Sovereignty and Law.

The point of view of Duguit and Krabbe is something which we cannot very well accept. No organization in any community 'makes' the content of laws. Both in the way in which laws are made and in the way in which they are enforced, they often reflect a will other than that of the formally constituted legislatures. If law were to be true to itself, it must possess the essential element of reason in it. The monist has no hesitation in accepting this point of view. Yet he cannot accept the pluralist definition of law.

(i) 'Social solidarity' is a term which does not have the precision conveyed by the term 'legal sovereignty'. If applied in a thorough-going fashion, it will substitute 'a social monism for political absolutism' (Hsiao) (113:20). It will mean the absolutism of existing social power. Furthermore, there is no reason to suppose that there is among human beings a unanimity of individual wills to justify an expression like 'social solidarity'.

(ii) The term 'sense of right' used by Krabbe is not any better. It is too subjective. Even if an objective interpretation could be given to it, it would lead to 'a logical monism of the most thorough-going sort'. Merely to use the magic expression 'community of interests', as is done by Krabbe, does not produce harmonious correlation within society.

(iii) The main defect in Duguit's theory is that he does not grasp the meaning of legal sovereignty. A legal system presupposes a legal sovereignty. Hsiao rightly remarks that a flat denial of legal sovereignty does not yield anything like a sound theory of politics as Duguit seems to think. 'Even the general rules of nature have to be interpreted and applied by a legal sovereign.'

(iv) Coker is right when he reminds Duguit, Krabbe, and other

jurists that law is something which is *prescribed*; it is not merely what a commonsense of right demands or what the community demands. Outside a determinate person or legislature, we can speak of the spirit of laws, 'a common will', and the like, but we cannot speak of laws in their generally accepted connotation. 'Social solidarity' and 'sense of right' are incapable of giving us specific laws which can be interpreted and enforced by the judges.

(v) The theory under consideration seems to reopen the question of natural law and natural rights from which political theory has been comparatively free in recent times. To revert to natural law and natural rights will lead us into a labyrinth out of which political theory cannot easily find its way.

(vi) There is evidence to show that when these jurists attempt to limit the sovereignty of the State by means of law, what they really have in mind is the organs of government, and not the State itself. Duguit, in particular, fails to distinguish between State and Government.

CONCLUSION

- (a) Pluralism, as said already, may be regarded as a welcome reaction against the excesses to which the traditional theory of sovereignty has been carried by such of its supporters as Hegel. To attribute moral sovereignty to the State, as Hegel does, is a dangerous procedure to adopt. In so rejecting the State absolutism of Hegel, however, we do not necessarily become pluralists.
- (b) Pluralism has rendered a great service to modern political theory by inviting the pointed attention of States to the reality of group life. There is no doubt that economic, professional, social, and religious groups play a vital and unique part in the life of the community. But all of this does not mean that the State should be reduced to a level of equality with other associations. The State should continue to be in a class by itself. It should remain supreme.
- (c) Even after granting complete internal autonomy to the essential associations in the community, we require a superior organization for purposes of co-ordination and adjustment. If the State is only one association among many associations having similar power and similar status, it is difficult to see

how it can satisfactorily fulfil its unique function of adjustment and adjudication.

- (d) The innumerable groups which function in society do not exhaust all the services required for the well-being of man. They serve only partial interest. The State is the only organization which is competent to deal with the universal needs of the members of society.
- (e) If we reject the monistic theory of sovereignty, the only logical position to take is that of the anarchists and syndicalists. Pluralism attempts an impossible middle position. Pluralistic doctrines are, in the long run, anarchistic doctrines.
- (f) If the term 'sovereignty' is open to abuse and cannot be freed from the kind of absolutism assigned to it by Hegel, the term 'supremacy or final authority' will serve just as well from the point of view which we have adopted.
- (g) The conclusion to which we have been led may be stated in the striking words of Sabine : 'For my own part, then, I must reserve the right to be a monist when I can and a pluralist when I must'.

THE PLURALISTIC VIEW OF LASKI

In contemporary political thought, the monistic theory of the state has been vehemently criticized by a number of political thinkers belonging to the pluralist school. Laski himself played an important part in the formulation of the pluralistic doctrine in the formative years of his political philosophy. Laski's pluralism was fundamentally a revolt against the philosophy of Hegel and the jurisprudence of Austin. It implied a complete reversal of the classical tradition in western political thought which regarded political authority as essentially monistic in nature.

The monistic conception of the state is at least as old as the modern state itself. Its leading exponents are Bodin, Hobbes, Rousseau, Hegel, Bentham and Austin. The monistic philosophers have argued that the state possesses a single source of authority that is by definition comprehensive and unlimited in its exercise. This supreme authority in the state is known as sovereignty. The monistic theory makes certain legal, sociological and philosophical assumptions which help the state in obtaining for itself a position of unrivalled moral supremacy in society. The pluralist wants to dislodge

the state from its high moral pedestal by rebutting the legal, sociological and philosophical arguments of the monist. In the legal sphere, pluralism denies the doctrine of state sovereignty. On the sociological plane, it contests the organic conception of the state and society. In the philosophical arena, it fights the idealist philosophy of state worship. In the administrative field, it stands for decentralized government providing full freedom for the associative life of its citizens.

A Theory of Economic Organisation.

But the scope of pluralism is not confined to the spheres of jurisprudence and political philosophy. It is at the same time a theory of economic organisation. Both Laski and Cole have emphasized the economic aspects of pluralism. They criticized the totalitarian tendencies of monopoly capitalism and advocated reorganisation of industry on pluralistic models. Cole developed this line of argument into a comprehensive philosophy of Guild Socialism. Laski's pluralistic notions in the realm of economics did not develop into any consistently pluralistic system as the guild socialist philosophy of Cole. Before his conversion to Marxian socialism, Laski advocated a vague conception of industrial federalism.

A Plea for Religious Freedom.

The place of religious organisations in the modern secular state was another important problem to which Laski gave his particular attention. His pluralism is a passionate plea for religious freedom ever put forward in the history of political philosophy. His ideas in this respect were considerably influenced by those of Figgis who was an equally passionate supporter of religious freedom against the encroachments of the secular sovereign state.

Lack of Coherence in Laski's Theory.

Laski's pluralism is not in itself a coherent system of philosophy. It is rather a creative effort of great practical value in search of a political philosophy—a search which is still incomplete. As Norman Mackenzie says, Laski "left no finished body of tidy doctrines. On the contrary, his work is rather the record of a succession of dilemmas, each created by his effort to reconcile the march of history conceived in Marxist terms with human dignity and liberty." If he failed to produce a rounded system of political philosophy in his life-time, we

do not expect him to do better in his early years when his writings had been the product of a comparatively less mature intellect.

Pluralism represents the initial and tentative phase in his political theory. But it is an important stage in the evolution of his thought process. It has also left its impress on the successive phases of his political thought. Even when he became almost a Marxist, he did not abandon his emotional admiration for pluralism. It was his pluralistic past which prevented him from supporting the Marxist theory of proletarian dictatorship even when he acknowledged the Marxian analysis of capitalist society as fundamentally correct. Besides, both pluralism and Marxism refuse to accept the state as an institution of ultimate reference in social conflicts. The Marxian conception of communist society as a stateless society based on the co-operation of voluntary associations has a certain resemblance with the spirit of Laski's pluralism.

Intellectual Roots of Pluralism.

The pluralistic theory of the state has sometimes been described as a doctrine of revolt in political theory. The intellectual roots of pragmatic pluralism can be discovered as early as in the scepticism and sensationalism of Hume. But the doctrines of Hume also influenced the ideas of Bentham and Austin who so shaped their conceptions of state sovereignty as to result in a legal monism of the most thorough-going type. The monistic tradition in English political thought was reinforced by the writings of the Oxford idealists who adapted the doctrines of Hegel and Kant to English conditions. The main current of the pluralistically inclined but not substantially pluralistic revolt in modern English political philosophy began with Hobhouse who repudiated the "metaphysical theory of the state" and laid the basis for further attacks by Barker, Figgis, Lindsay and Laski. The pluralistic point of view is clearly noticeable in Barker and Lindsay and is even more pronounced in Figgis and Laski. Even Dicey, a professed disciple of Austin, pointed out the practical limitations of state sovereignty.

Sovereignty as a Fiction.

The doctrine of state sovereignty was questioned by Laski from a pragmatic point of view which saw in it a theoretical fiction which could not be realized in practice. In his writings, we may find probably the best statement of the pluralistic doctrine. "In all the

varied current of contemporary political theory", says W.Y. Elliott, "which seems to have set against the conception of unitary sovereignty as the basis of the structure of the state, the work of Mr. Laski stands out sufficiently to command general attention. Perhaps this is as much because of the arresting fashion in which he has challenged the traditional doctrines of political theory as it is from the positive content of his own theories" (102 : 143).

Gierke, Maitland and Figgis.

In developing his criticism of the sovereign state, Laski made use of the theory of corporations as developed by Gierke, Maitland and Figgis. The individualists opposed the absolute state in order to protect individual liberty. The pluralists wanted to discredit the sovereign state as they wanted to protect group autonomy. Laski agrees with the Gierke-Maitland theory that corporate persons are real moral persons and it is in the interest of these corporate persons within the state that the doctrine of state sovereignty is hotly contested.

Juristic Doctrines of Duguit.

The juristic doctrines of Duguit also exercised a considerable influence on Laski's pluralistic interpretations of the state and law. Duguit developed a sociological view of jurisprudence which sought in the conception of "*solidarite sociale*" a justification for placing limitations upon the sovereign power of the state. Duguit regarded law as the expression of social solidarity and rejected the Austinian view that it was a command of the political superior. Laski did not sufficiently realize that Duguit's jurisprudence merely substituted a new doctrine of social monism in place of the old doctrine of political monism. Duguit's ideas as developed by Durkheim and Krabbe provided the basis of new monistic conclusions both in the spheres of legal and social theory. Duguit's conception of social solidarity was also exploited by the fascists to discredit the liberal state and establish their totalitarian regimes. Thus there was a latent contradiction between Duguit's jurisprudence and Laski's pluralism.

Pragmatism of William James.

As Laski is a professed disciple of William James, he proposes a pragmatic test for the theory of state sovereignty. The pragmatic test of truth is its workability. A doctrine is true if its fruitfulness or

workability can be proved in given circumstances. Laski says that the theory of state sovereignty fulfilled a great pragmatic need in the past in securing the independence of the secular state from papal dominance. It unified the political allegiance of the people to a common sovereign and produced a united nation out of warring religious factions. But Laski thinks that the theory of sovereignty has lost its pragmatic validity in modern times particularly in view of the growing challenge of powerful groups from within and some kind of international organization from without (129 : 233).

The State as First Among Equals.

In the company of other groups, the State is only first among equals and nothing more. The State is only a particular group for Laski who says, "We then give to this particular group (i.e. the State) no peculiar merit. We refuse it the title of creator of all else. We make it justify itself by its consequences. We stimulate its activities by making it compete with the work of other groups co-extensive with or complementary to itself. As it may not extinguish, so it may not claim pre-eminence. Like any other group, what it is and what it will be, it can be only by virtue of its achievement. So only can it hope to hand down undimmed the torch of its conscious life."¹

Criticism of the Austinian View.

It is clear that Laski is attacking the Austinian conception of sovereignty not on a legal plane but on an extra-legal or moral plane. He is himself convinced of the technical correctness of the Austinian conception of absolute and legally unlimited sovereignty. He explains his position in these significant words, "It implies only that for the courts the will of the sovereign body, the King-in-Parliament for example, is beyond discussion. Every judge must accept unquestioningly what fulfills the requirements of the forms of law. But, for the purposes of political philosophy, it is not so abstract and *a priori* a definition we require. What we desire to know is not what has the legal right to prevail, but what does in actual fact prevail and the reasons that explain its dominance. Here, it is clear enough, the legal theory of sovereignty is worthless. Once we are in the realm of actual life it is upon the limitations of sovereignty that attention

1. Harold J. Laski : "The Problem of Sovereignty", in the "Harvard Law Review", Vol. XXIX, P. 426.

must be concentrated. What then impresses us is the wide divergence between legal right and moral right" (122 : 40). In this manner the discredited state is reduced to the position of a Church or a trade union or even a golf club. If the idealists erred in their cult of state worship by going to one extreme, there is no doubt that the pluralists like Laski also erred in their iconoclastic zeal of discrediting the state by going to the other extreme.

The State as a Power System.

The state, as conceived by Laski, is a power system. "The monistic state," he says, "is an hierarchical structure in which power is, for ultimate purposes, collected at a single centre. The advocates of pluralism are convinced that this is both administratively incomplete and ethically inadequate" (129 : 240). The accumulation of power at a single centre of authority is the characteristic of a monistic state. In a pluralistic society, the power should not accumulate at the centre but should be diffused into the entire body politic reaching all peripheral points as well. Administrative decentralization is necessary for the general health of the community.

Administrative Decentralization.

Administrative decentralization is the only remedy to check the despotic tendencies of a centralized administration prevailing in the monistic states. "The division of power", says Laski, "makes men more apt to responsibility than its accumulation. A man, or even a legislature, that is overburdened with a multiplicity of business, will not merely neglect that which he ought to do; he will, in actual experience, surrender his powers into the hands of forceful interests which know the way to compel his attention. He will treat the unseen as non-existent and the inarticulate as contented. The result may, indeed, be revolution; but experience suggests that it is more likely to be the parent of a despotism" (129 : 241). The pluralistic theory of government is essentially federalistic. But Laski does not think of federalism merely in the conventional territorial terms. It is applicable no less to functions than to territories.

Industrial Federalism.

In the economic sphere, Laski's suggestions about the so-called industrial federalism have not been put forth in explicit terms. However, the emphasis on the autonomy of the trade unions is quite

clear. Laski's defence of trade union rights is essentially pluralistic at this stage. The class war thesis of Karl Marx is still beyond his consciousness. He is compelled to defend the corporate rights of trade unions as a part of the general defence of the corporate rights of all associations and groups. His economic theory is at present a minor part of his general sociological doctrine. Defining his conception of social organisation, he says that this implies a federalistic conception of society in the economic as well as political spheres. He repudiates the paramount character of the state and affirms that its scope of activity is strictly limited. If it extends the areas of intervention, it will bring about definite disadvantages to society. He is not thinking in terms of division of powers in a federal political system. He rather pleads for a division of "power upon the basis of functions". He is trying to visualize "a society in which authority is not hierarchical but co-ordinate."

Structure of the Pluralistic State.

When the state is to be theoretically divested of its sovereignty, the practical question that arises is what the actual structure of the pluralistic state should be and how it should function. Laski's conception of political authority is based on a pragmatic conception of the state and government. According to this pragmatic theory, the state is what it does and the state always acts through its government. For practical purposes, there is no effective distinction between the state and government. The doctrine of state sovereignty has been practically an instrument which is used by the government of the day to exercise supreme coercive authority over its subjects. When pragmatically considered, the sovereignty of the state in effect becomes the sovereignty of a particular government. The fundamental problem of political pluralism is to devise ways and means for preventing the absoluteness of governmental authority. The organization of power in the body politic should be such as to prevent the accumulation of power at any specific place. The concentration of absolute power in a single central organ results in the denial of liberty to the citizens and brings about gross inefficiency in administration.

Democratisation of Administration.

Administrative decentralization is thus a necessary condition of the pluralistic state. Laski thinks that decentralization is the only

way to democratize the administrative process because it enables a larger number of citizens both in their individual and corporate capacity to associate with the process of government. In a monistic state, the government is a set of persons set apart and above the people. The arrival of representative institutions has not obliterated the fundamental distinction between the governors and the governed. As Rousseau pointed out, the citizens of a representative democracy are free only at the election hour and even this freedom is limited to choosing their new enslavers for the next four or five years. Laski thinks that this weakness of representative democracy can be remedied if the administrative machinery of the modern state is so reorganized as to provide the greatest opportunity for continuous consultation between the government and the people in their various associative capacities. The government ought not to be authorized to undertake any important decision of policy without consulting the group of the people most affected by it.

Laski recommends a radical change in the existing institutional machinery of the state. The existing institutional machinery puts an undue emphasis on administrative centralization. The central organs of the state have shown an increasing tendency to tighten their grip over the life of the community. They are not prepared to share administrative power on terms of equality with local administrative organs. They refuse to give even a consultative status to organized groups of public opinion in the community. A centralized state may be democratic in its external form but it is essentially oligarchical in its operative processes. The failure of representative democracy can largely be attributed to centralizing tendencies of the modern state.

The Federal Theory of Constitutional Organisation.

The federal theory of constitutional organization represented a sharp break from the traditional theories of unified sovereignty which regarded the constitution of a centralized monistic state as the last word in political science. The emergence of federal polities has shown that there was no finality about the constitutional structure of a unitary state. Federalism became a pragmatic necessity for all those political societies which included in their fold peoples divided among themselves on grounds of race, religion, language and local loyalties. It also represents a greater fulfilment of the democratic idea because by dividing power it enables a larger number of citizens to share it. Lastly, federalism is a practical ally of pluralism. Even

James was aware of this kinship when he said, "The pluralistic world thus is more like a federal republic than an empire or kingdom. However much may be collected, however much may report itself present at any effective centre of consciousness, something else is self-governed and absent and unreduced to unity."¹ The pluralist thinks that federalization is a necessary stage in the establishment of a real pluralistic state. But this belief is not warranted by facts. The tendency towards centralization is visible in all the states which have adopted federal forms of constitutional organization. No realist can now argue that the United States or any other federal polity is likely to transform itself into a pluralistic state in any conceivable future.

Recent Trends in Federalism.

It is obvious that Laski at this stage completely misunderstood the trends of development in federal constitutions which were leading towards centralization rather than towards decentralization. It appears that he was preoccupied with federal theory rather than with federal practice when he welcomed federalism as an ally of pluralism.² "Federalism", says Elliott, "which divides legal sovereignty by the terms of a constitution accepted by all the members of the body politic so created, in practice has tended to increasing unity, as is the case in the United States, or to a sovereignty in fact and in law, more and more completely absorbed by the constituent states, as is the case with the British Empire" (102 : 163). The division of powers implicit in federalism has never led to the so-called division of sovereignty which is regarded by Laski as a welcome transition to pluralism.

Decentralisation and Nonpluralistic Writers.

The case for administrative decentralization has been argued even by certain non-pluralistic writers. "With centralization", says M. Lamenais, "you have apoplexy at the centre and paralysis at the extremities".³ The most important advocates of territorial decentralization are the Distributists in England and the Regionalists in France. Belloc is the leader of the English Distributists. Deschanel,

1. Quoted by Laski from James' "Pluralistic Universe" in "The Problem of Sovereignty", p. 10.

2. W. Y. Elliott: "The Pragmatic Revolt in Politics", Chapter V, pp. 162-63.

3. Quoted by Buel in his "Contemporary French Politics", p. 383.

Hennessy and Ribot are among the more famous Regionalists. They think that a devolution of power from the central government to local units of administration is the only way to prevent apoplexy at the centre and avoid paralysis at the periphery. There are certain writers like Willoughby and Paul-Boncour who have advocated devolution of powers on functional basis. They propose that special administrative problems should be entrusted to autonomous and self-governing agencies. Independent commissions and autonomous boards should be created to administer specialized functions. Laski is not much interested in the Distributist or Regionalist scheme of territorial decentralization. But he is a strong advocate of functional decentralization on the lines suggested by Willoughby and Paul-Boncour.¹

Territorial Decentralisation in England.

It is evident that administrative decentralization on a territorial basis has no logical connection with the pluralistic theory of the state. The devolution of powers to local administrative organs may be attempted without touching the monistic legal structure of the state.² England is the classical instance of a state based on a monistic legal structure. But in spite of parliamentary sovereignty, the local bodies in England have enjoyed the widest administrative autonomy in practice. In the United States, which is the classical home of federalism, the tendencies towards administrative particularism have not only been checked but the facts show that the American constitution has been developing in an opposite direction. The dualistic legal structure of the United States is gradually developing into a monistic legal structure necessitating readjustments in the administrative sphere as well.

Pluralism and Functional Decentralisation.

Laski and the pluralists in general do not regard administrative decentralization as an end in itself. They want to utilize it only as a means for the attainment of a higher end which is the achievement of a pluralistic society. The pluralistic social order envisages the division of a political community into small functional republics

1. C.H. Kung: "Political Pluralism—A Study in Contemporary Political Theory", Chapter IV, pp. 91-96.

2. Ibid, p. 97.

cutting across the nation vertically and horizontally. Each functional republic of this kind, as the pluralists suggest, should administer its own affairs autonomously. The state should administer only that minimum residue of functions which are of common concern to the community as a whole and cannot legitimately be entrusted to any other social agency except the state.¹ The pluralistic state will be a state only in name because most of its existing functions will be entrusted to autonomous groups of various kinds. As the pluralistic state has not been realized in practice so far, the pluralistic ideals have largely remained utopian and impractical. The emergence of totalitarian states in the last few decades and the emphasis put on centralization even in the traditionally liberal states conclusively show that the world is not yet ripe for the pluralistic experiments in political and social re-organization.

Self Government in Industry.

No theory in political science can now claim a wide hearing which does not take into consideration the economic environment in which it is propounded. The pluralistic writers in general have criticized the authoritarian tendencies of monopoly capitalism which they regard as the negation of economic democracy. Sidney Webb, G. D. H. Cole and Harold J. Laski are the well-known leaders of the pluralistic revolt in economics. Sidney Webb in the beginning was a strong advocate of economic decentralization but gradually he became an exponent of collectivistic socialism.² His suggestion of a dual organization of society under two parallel bureaucratic hierarchies regulated at the top by 'political' and 'economic' parliaments respectively formed the basis of other pluralistic schemes of reorganizing industry on a pluralistic basis.

Guild Socialism and Syndicalism.

Cole developed his theory of guild socialism which is probably the most comprehensive scheme of reconstructing the industrial world on pluralistic lines.³ The syndicalist and anarchist theories have carried the pluralistic idea to its farthest logical limits. Laski's

1. *Ibid.*, p. 95-98.

2. For Webb's views, see his "A Constitution for the Socialist Commonwealth of Great Britain", Chapters I-IV.

3. For G. D. H. Cole's views, see his "Self-Government in Industry", Chapters I-III.

conception of industrial government does not wholly agree with either of these theories. As it stands somewhere ^{Laski} between state socialism and guild socialism, it is much less pluralistic than either guild socialism or syndicalism. Of course, there can be little comparison, between anarchism and Laski's ideas of industrial reconstruction which recognize the necessity of ultimate supremacy of the state in the industrial sphere.¹

Industrial System in Capitalist Countries.

The purpose of industrial organization is to secure the regular supply of certain commodities to citizens as consumers and to safeguard what Laski calls the natural rights of men throughout the operations of the industrial process. The industrial system prevalent in capitalistic countries is defective in both these respects. It does not satisfy the principles of abstract justice as it is heavily biased in favour of the capitalists against the workers engaged in industry.² The worker has no guarantee of security of employment, of adequate livelihood or reasonable conditions of work under the existing industrial system. Nor has he any right of participation in the organizational control of the productive processes. "The broad characteristic of modern industry", says Laski, "is the almost absolute separation of management from labour. The area of consultation is narrowed down to the conditions attaching to the price to be paid for labour and the physical conditions of its employment. The worker has no right to express his ideas upon methods of production. He has no organized opportunity for suggestion. Even when he has demands to make, or grievances to put forward, their formulation usually involves a test of power in which the thing of import is not the moral quality of the demand or the grievance, but the strategic condition of the parties to the industrial relation. Nor, finally, has the worker any claim upon the product of his work. Once his price has been paid he is insignificant in relation to it. He is, in a full sense, that animate tool which to Aristotle was the essence of the slave"¹ (47:433).

Responsibility of the State in the Economic Sphere.

But it is not the producer alone who is in a deplorable plight.

1. Harold J. Laski: "A Grammar of Politics", Part II, Chapter IX, pp. 433-520.

2. Ibid., Part I, Chapter V, pp. 201-11.

The interests of the consumer demand as much vigilance of the state as those of the producer. The industrial organization should be capable of satisfying the maximum cultural and material needs of the citizens. The economic needs of the community can be classified into three broad categories. In the first place, the community requires certain commodities to preserve itself or to perpetuate the life of its members. The state must ensure an adequate supply of such commodities and the industries connected with their production should be run on a non-profit basis and their control be vested in the nation as a whole. Secondly, the community also needs certain commodities which are necessary to raise the standards of physical comfort and cultural attainments of its members. In the production of such commodities, the individual producer can play an important role along with cooperative forms of production. Lastly, there are commodities which have no universal demand and usually cater to the whims of a significant minority. The state, according to Laski, cannot take any responsibility for the supply of such commodities. It should only see that adequate standards in wages and reasonable conditions of work are maintained by the industry. It is evident from the above that Laski does not advocate anything like the disappearance or abolition of private enterprise. As a pluralist, he only wants to mitigate the monopolistic tendencies of modern capitalism.

Opposition to Nationalisation Policy of the Communists.

Laski does not agree with the Communist programme of what he terms as "catastrophic nationalisation". He thinks that the process of nationalisation should be a piecemeal one so that the experience of one nationalised industry may be pragmatically used in the operation of other industries which are to be nationalised subsequently. If his programme of trial and error is followed, it will take a number of decades or even a century to establish a socialist sector in important branches of the national economy. The socialist and capitalist sectors will exist side by side for an unknown period. Laski does not consider complete abolition of the capitalistic system even as an ultimate goal to be achieved in some remote future.

It is obvious that Laski's advocacy of state socialism is in direct contrast with the spirit of pluralism. He rejects the syndicalist argument that the producers alone have the right to control their respective industries and expropriate its profits. "We reject", says

Laski, ".....any purely syndicalist plan of industrial organisation. It is not less objectionable in principle than any other plan of private ownership. There is no reason to suppose that the ownership of the American mines by the United Mine Workers of America would be more careful of the public interest in coal than has been the case under their ownership by corporations like the present interests. The fact is that all exclusive control of this kind is morally vicious" (47:439).

Laski's State Socialism Incompatible with Pluralism.

He, therefore, wants that the ownership of the major industries should be vested in the State or the community as a whole. "That is necessary," he says, "for two reasons. It emphasises where the ultimate incidence of control must rest. It enables us to insist that the producers in the industry are not entitled to regard it as existing solely for their benefit; they cannot, therefore, claim such a level of prices as will give them a wage disproportionate either to need or to the result of effort. It emphasise also that the surplus value created by the industry, over and above cost of production and the distribution of the product to the ultimate consumer, belongs to the community as a whole" (47:439). By disagreeing with the syndicalist plan of industrial organization which is more pluralistic than his own plan, Laski proves that he is not an uncritical adherent of the pluralistic dogma in the economic sphere.

Proposed Structure of Nationalised Industry.

As regards the administrative structure of the nationalised industry, the internal operations of the industry will be controlled by a governing board at the apex. It will represent three distinct types of interests i.e. the management, the workers and the consumers. But the direction of general policy will still be vested in the legislative assembly. It is true that in the vast majority of cases, important administrative decisions will be made by the governing board and other subordinate administrative organs of each nationalized industry. All questions of practical importance and the details of administration will be worked out by those engaged in a particular industry. Laski is in favour of a large amount of practical autonomy in industrial government but this autonomy is to be exercised within the limits placed by the sovereign legislature. As the critics of Laski have pointed out, it involves an important

contradiction in Laski's political theory. By placing the final control of nationalised industries in the hands of the legislative assembly, he implicitly admits the utility of the doctrine of sovereignty in practice despite the fact that he has attacked the theoretical aspects of the doctrine with great vehemence. It also shows that Laski's conception of industrial self-government is entirely different from the guild socialist or syndicalist conceptions which are based on much broader conceptions of industrial freedom.¹ It is very likely that Laski's State socialism will appear in guild socialist and syndicalist eyes as a charter of new industrial tyranny rather than as a manifesto of true industrial liberty.

Cooperative and Private Sectors of Industry.

In Laski's scheme, the nationalized industries will occupy only a fragment of the total industrial field. He envisages that a considerable part of national production will be carried on by private enterprise or through consumers' co-operation. But here the real point of significance is that he recommends a large amount of state control both in the cooperative and private sectors of industry. Moreover, his entire programme of industrial reform can be successfully carried out only by a socialistically inclined Labour government on the condition that it remains continuously in power for some decades. If his programme is implemented to the full, it will democratize the present oligarchical organization of capitalist enterprise to a considerable extent. But the point is that the state which will actively intervene to implement his comprehensive programme of industrial change cannot be called pluralistic by any standards. Elliott has pointed out that it will be direct antithesis of the pluralistic State.² Government regulation of private industry on the scale recommended by Laski will require the assistance of a highly inflated bureaucracy. It implies a vast increase in this functions and coercive power of the state.

Criticism of Guild Socialism and Syndicalism.

The guild socialist and syndicalist vision of autonomous communities of producers regulating their own affairs has no meaning

1. See Bertrand Russell's exposition of 'Syndicalism' and 'Guild Socialism' in his "Proposed Roads to Freedom", (New York, 1919).

2. See his article on Laski in his "Pragmatic Revolt in Politics", where he justifies his view by an elaborate analysis of Laski's economic theories.

for a collectivist like Laski. He thinks that the Guild Socialist and Syndicalist ideas are not likely to work in practice because they intend to carry the process of decentralization too far. Laski, on the other hand, favours a large amount of centralized control. The centralized control will not be limited to nationalized industries alone. The state control of private enterprise will be exercised through the Ministry of Production and national councils of each industry. The purpose of this kind of control will be to prevent private enterprise from operating in an anti-social way. But the Ministry of Production, governing boards and national councils will work as the instruments of a highly centralized, collectivist state.

Economic Democracy and Social Justice.

The economic institutions of such a collectivistic state will no doubt be infused with a greater amount of economic democracy and social justice.¹ The position of the worker as a citizen will be much more dignified in collectivistic society than what it is in the existing individualistic society. In comparison with the *laissez faire* regimes of the past, the collectivistic state is decidedly far superior not only in its administrative technique and economic results but also in its ethical basis and cultural potentialities. But this is not the real point at dispute. The question is whether the collectivistic state as contemplated by Laski can possibly be organized by eliminating the conception of sovereignty from it. Judging from the nature and functions of a collectivistic state, it seems reasonably certain that it cannot continue to exist as a non-sovereign state. The state which refuses to assert its sovereignty cannot be expected to bring about that revolutionary change in property relations which Laski considers as necessary for the establishment of a new social order.

¹ Ibid, pp 539-40.

JUST AS the idea of sovereignty is central to the idea of the State, so the idea of law is central to the idea of sovereignty. We may go one step further and say that the idea of justice is central to the idea of law.

The evolution of law may be dealt with from the narrow legal point of view or from the broad philosophical point of view. We shall deal with it in both ways, taking up the philosophical aspect first.

From the very beginning of political speculation, thinkers have been at pains to discover the significance of law to the State and society. In his *Republic*, Plato posed the question whether a State should be governed by men or by measures (law) and gave his verdict in favour of the former. But as Plato grew older and became more practical he gave greater importance to law. In the *Statesman* he makes government by law and government by wise men two alternatives. Law rather than knowledge is to be the ruling force. This idea is carried still further in Plato's *Laws*, where the balance is tilted in favour of laws.

Aristotle who was a realist in politics emphasized law from the very start. He taught that "uniform laws uniformly administered" was the mark of a good state and defined law as "reason unaffected by desire". According to him, a ruler who rules according to law is different from a dictator. He rules by consent.

More than any other people in the ancient world, the Romans developed the idea of law to a remarkable extent. To Cicero we owe the well-known sentence : "For as the laws govern the magistrate, so the magistrate governs the people, and it can truly be said that the magistrate is a speaking law and the law a silent magistrate."

Justinian's *Digest* is a landmark in the evolution of law. In developing the concept of law, the Romans evolved three closely related concepts, *jus naturale* (natural law), *jus gentium* (law common to nations) and *jus civile* (civil law).

Although natural law and the law of nations were distinguished from each other for some time, later on they merged together to form the beginnings of international law at the hands of Grotius.

In the Middle Ages the common law of the Church carried forward the tradition of the natural law and adjusted it to a Church-centred society. In the economic and social fields where feudalism held sway for a few centuries, there were different laws for different classes of people. This pernicious system continued in France up to the Revolution.

Coming to the modern period in Western political thought, we find Grotius (1583-1645) defining law as a "dictate of right reason". "The mother of law," he wrote, "is human nature itself". As Hallowell states it, right is what is in accordance with reason. Law is to follow the dictates of reason rather than the impulses of subjective and particular desire.

Hobbes defined law as the "command of that person . . . whose precept contains in it the reason of obedience" (162:400). The law of nature is law only in a figurative sense. What limits the sovereign is not the law of nature, but the power of his subjects. Locke looked upon natural law as the law of inward morality. Law in the State is law made by the King-in-Parliament but it is limited in scope. The State cannot make any and every law it pleases. It was a flash of genius which made Rousseau write "Obedience to a law which we prescribe to ourselves is liberty". In this short sentence one finds the true meaning of law and liberty and the basis of democracy.

According to Bentham, the object of law is to promote the greatest happiness of the greatest number. All laws are evil because they are an infringement on liberty. In deciding what he should do, the legislator should use the calculus of pleasure provided by Bentham.

After Bentham came John Austin (1790-1859) who is regarded as the founder of the analytical school of jurisprudence. According to him, law is a command and the principal reason for obeying it is fear. Positive law is the only true law. True to the tradition set by Rousseau, Green claimed that in obeying the will of the well-ordered State, one obeys one's own will purged and purified of selfishness. MacIver writes, "Without law, there is no order, and without order men are lost, not knowing where they go, not knowing what they do" (142: Ch IV).

In studying the approach made to law by different writers, one can broadly distinguish three schools of thought. In connection with

Austin, we have already used the term, the *analytical school*. Besides Austin, Machiavelli, Bodin, Hobbes and Holland also belong to this school. According to this school, sovereignty is vested in a determinate person or body of persons and law emanates from such a body. The law-givers may be a legislature or a judiciary; but whoever they may be, they should be capable of location. The primary reason for obeying law is force and restraint.

The defect of this theory is that law becomes static and lacks the drive for progress. Sir Henry Maine and Savigny questioned the assumptions of the analytical school and put forward the view that law was the result of a long historical process. For this reason they are said to belong to the *historical school of jurisprudence*: Hallowell sums up their teaching as follows:

(1) Law is relative to time and place and to particular people. (2) Since law is found not in reason or in conscience but in the historical process, the individual has little or no responsibility for shaping the content of law; (3) the idea of individual natural rights is replaced by the idea of the historic rights of Englishmen, Frenchmen, Germans etc.; (4) since reform is impossible, it is better to allow the historical process to work itself out without hindrance; (5) the idea of a transcendental natural order is replaced by the idea of an order immanent in the historical process; and (6) the sanction of law is conceived less in terms of the inherent justice of the rule and more in terms of the social pressure behind it.

According to Savigny law is embodied in the folk-spirit or folk-mind of a people. It is rooted essentially in customs and is linked up with nationality. History can tell us not only how we have come to be what we are, but also to anticipate our future destiny.

To the *Sociological School* belong such writers as Duguit, Krabbe, and Laski. They regard the traditional view of law as futile. According to Duguit, laws are obeyed not because there is some one to enforce them, but because they are the conditions of social living. "Social solidarity" is the key phrase and laws are relative to it. They are so vital to social living that it is in the self-interest of the individual to obey them. Laws, "in the fundamental sense are the rules of conduct which normal men know they must observe in order to preserve and promote the benefits derived from life in society" (117:172). The sanction behind law is primarily psychological "resting in each individual's awareness of the social approval or

reprobation of his conduct according to its conformity or non-conformity to fundamental social rules" (117).

* In the thought of Krabbe, man obeys laws out of a sense of right. Laws are above the State and independent of them. They are rooted in man's standards of value and judgment. "The rule of law . . . is due to human reaction to the sense of justice and is not a matter of external legal authority but an internal human matter".

As against this view, it is possible to argue that "sense of right" is only a thin veil for "self-interest". Even if 'sense of right' can be given something like a precise meaning it is bound to vary "from century to century, from nation to nation, from group to group, indeed from man to man" (45 : 142).

In coming to our own conclusion with regard to the above three schools, it seems fair to say that none of them contains the whole truth. They supplement and complement each other. Laws are not merely a fiat of the State. They are not just commands of a determinate human superior. They are dependent on the social, moral, economic, and religious outlook of the people. They are also dependent on what the community considers to be fair and just. No law will be obeyed very long if it does not accord with the people's ideas of right and wrong.

Yet law is a command. Even bad laws, if democratically formulated, have to be obeyed, until they are democratically abrogated. They require physical compulsion behind them in the last analysis. Without such compulsion, a great many whose moral and social sensitivity is poorly developed will not obey laws.

From the above discussion of law more or less in the philosophical sense of the term, we now proceed to a discussion of law from other points of view especially from the point of view of positive law.

The term 'law', points out Gilchrist, is derived from the old Teutonic root 'lag' which means something which lies fixed or evenly. Its English equivalent is 'that which is uniform'. In the words of MacIver "Law in its broader significance reigns everywhere. Where life exists there are universal laws of life, and for each form of life after its kind" (55 : 250).

The word 'law' is used in a variety of senses. (1) Scientific law is law in which can be traced the sequence of cause and effect. Examples of such law are the laws of motion and the laws of gravitation. Unlike human laws they are universal and eternal. (2) Social laws

are laws or customs for the guidance of the individual as a member of society. (3) Moral laws are laws which deal with matters of intrinsic right and wrong, of good and bad; they deal with motives of conscience. (4) Political laws are laws regulating man's behaviour as a member of the State. For the most part, they deal with external conduct and are enforced by "a system of compulsions".

Between social laws and political laws there is much in common. However, social laws do not carry with them the same kind of coerciveness contained in political laws. To quote MacIver : "Every association makes laws, but the laws of other associations, in the developed state, bind the members of them only in so far as they prefer to accept them rather than lose the benefits of membership" (55 : 17). The impulse to obey social laws lies wholly within us, but political laws are external and must be accepted if order is to be insured.

Definitions of law are many and varied. The following will serve as samples. According to Montesquieu, a law means "the necessary relations arising from the nature of things". Woodrow Wilson who seeks to harmonise the analytical and the historical approaches to law defines law as "that portion of the established thought and habit which has gained distinct and formal recognition in the shape of uniform laws backed by the authority and power of government".

*Definitions of
Law*

Holland who on the whole seems to follow the Austinian tradition defines law as "a general rule of action taking cognizance only of external acts, enforced by a determinate authority, which authority is human and among human authorities is that which is paramount in a political society; or briefly, a law is a general rule of external action enforced by a sovereign political authority".

Salmond defines law as "the body of principles recognized and applied by the State in the administration of justice".

From the above definitions of law it is possible to deduce certain essentials of law. They are: (1) laws imply the presence of a civic community; (2) they reflect the social conditions of that community; (3) they are a set of rules; (4) they regulate the external or the outer conduct of man; (5) they imply coercion, more physical than moral.

In a vital sense all laws proceed from the State. But behind State enactment one can detect several factors which have entered into the making of laws. Holland mentions six of them which are custom, religion, adjudication, scientific discussion, equity, and legislation.

*The Sources of
Law*

(1) *Custom* : The earliest form of law in every community is custom. A still earlier variation of it is folkways. As MacIver (142 : Ch IV) writes, no individual person makes or unmakes folkways.

Folkways gradually transform themselves into custom in early society which has transcended the primitive level. In such a society custom is the king. It is obeyed for a variety of reasons such as the force of habit, its social utility, and the security which it provides. Even today custom accounts for a considerable part of law. But behind such blind obedience one can often detect a social utility. Apropos of this, MacIver writes : "In the great book of law the State merely writes new sentences and here and there scratches out an old one. Much of the book was never written by the State at all" (55 : 478). The customary law of India and the common law of England are good illustrations of the notable part played by customs in the evolution of law.

(2) *Religion* : Customary law, particularly in early societies, is closely related to religion. In such societies it is very difficult to draw a sharp line between religious prescriptions, customs, and laws.

Writing on the broad distinction between laws in the East and those of the West, Gilchrist pertinently remarks: "In the West law tended to become political ; in the East, religious" (28 : 162) . The Hindu Law draws its inspiration from Manu just as the Muslim Law draws it from the Shariat. It is desirable that in time to come there should be a single system of law for all the members of a state since so many of the so-called religious laws have become out of date and tend to be a divisive, rather than a unifying force.

(3) *Adjudication* : As social organization became more and more complex, custom had to be supplemented by adjudication or legal decision. When tribes came together for trade, marriage or other such purposes, conflicts of customs arose. Cases of this nature were referred to the wisest men of the community.

Even today the interpretation of law is an important instrument in the making of law. The case law or common law of England and decisions of the Supreme Court of the U. S. A. are illustrations of this method. By it laws are expanded and made to fit into changing conditions and the new demands of the day. Thus judges have an important part to play in law-making. Chief Justice Hughes of the U. S. A. is said to have remarked that the constitution is what the judges say it is.

(4) *Scientific Commentaries* : These are the works of eminent jurists who collect and compare past customs, decisions and laws. They also point out the omissions and suggest ways by which improvements could be effected. Such treatises naturally do not have the force of law or even of judicial adjudication. But lawyers and judges have great respect for them if what they say has intrinsic worth and are scientific in their approach.

Illustrations of writers who have left their impress on law are, Coke, Hale, Littleton, and Blackstone in England ; and Storey and Kent in America. A position of similar respect is assigned to the Mitakshara and the Dayabhaga systems of India.

(5) *Equity* : The term means equality, fairness or justice. In a sense, it is a judge-made law and an extension of adjudication. While adjudication is concerned with interpreting and applying existing law to cases as they come along, equity breaks new ground altogether. Where the existing law does not apply properly, the judge is expected to give his judgement according to commonsense or fairness.

Gilchrist speaks of three types of equity : (1) exclusive, (2) concurrent, and (3) auxiliary. "Equity is exclusive where it recognizes rights not recognized by the common law, it is concurrent, where the law recognizes the right but does not give adequate relief ; and auxiliary, where the necessary evidence cannot be procured" (28 : 167).

(6) *Legislation* : In modern society this is the most direct and most prolific source of law. In democratic countries laws are made by popularly elected representatives and are thus said to reflect the will of the people. Not all laws made are wise or necessary. Some of them are superfluous and even futile. But that is the price one has to pay for the luxury of democracy.

While equity, legal decisions, and scientific commentaries still have an important part to play, the laws made by the legislature are coming to occupy a superior place. If legislators were more wisely chosen and did not have to work under the necessity of initiating a new bill or clause in a bill or amendment in order to justify their existence, more wise and really essential laws are likely to be passed.

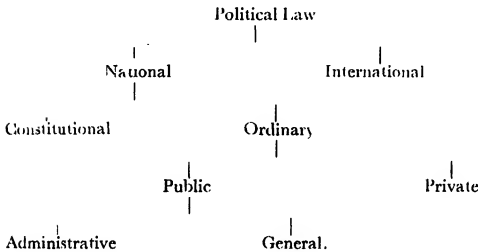
The whole process of the development of law is ably summed up by Woodrow Wilson as follows :

"Custom is the earliest fountain of law, but religion is a contemporary, an equally prolific, and in the same stages of national development an almost identical source. Adjudication comes almost as

authority itself and from a very antique time goes hand in hand with equity. Only legislation, the conscious and deliberate organization of law, and scientific discussion, the reasoned development of its principles, await an advanced stage of its growth in the body-politic to assert their influence in law-making."

TYPES OF LAW

MacIver classifies laws as follows :-



(1) *Constitutional Law* : Distinction is often made between the fundamental law which governs the organization of the State and government and the law by means of which the State governs the people. The former regulates the powers of the government, the rights of the governed, and the relations between those who govern and the governed. The latter deals with all other matters. Constitutional law may be written or unwritten. Where it is written, it is usually done by a Constituent Assembly like the one which India had in evolving the Act under which she is governed today. The ordinary law-making body also may be used for the purpose as was the case in India. Parliament was at the same time the Constituent Assembly. Customs and usages also play their part. In whatever way it is enacted, constitutional law carries with it a special sanctity and is not frequently amended.

(2) *Ordinary Law or Statute Law* : This is the most important type of law, which governs the everyday life of the individual. It is the law made by the King-in-Parliament in the United Kingdom, by Parliament in India, and by Congress in the United States. In

the U. K., it needs to be remembered that the same Parliament by the same procedure can pass both ordinary laws and constitutional laws. Such is not the case elsewhere. Ordinary law is divided into (a) public law and (b) private law.

Holland describes public law as law in which the State or a delegated authority of the State is concerned. This would include administrative law of which we shall speak later. Private law, on the other hand, deals with cases where the parties involved are private persons and neither of them represents the State directly or indirectly.

Public law, says Holland, is concerned with the organization of the State, the limitation of governmental functions, and the relations of the State to the individual. "In private law the parties concerned are private individuals, above and between whom stands the state as an impartial arbiter. In public law also the State is present as arbiter, although it is at the same time one of the parties interested".

(3) *Ordinances* with which India is all too familiar are issued by the executive branch of the government within the limits laid down by law. As a rule, they are not permanent and are issued for the sake of administrative convenience, particularly during an emergency. The Ordinance (July 1960) to deal with the strike of the Central Government Employees and the other dealing with the Bank Nationalization (1970) in India are illustrations in point.

(4) *Municipal Law* is national law in contrast with international law. It includes both public and private law. It applies to all individuals and associations of individuals within the territorial limits of a given State. It has no jurisdiction over those living outside.

(5) *International Law* relates to the dealings of States with one another. We shall deal with it separately on account of its growing importance in the world.

(6) *Judge-Made Law*¹. *Case-Law or Common Law*. In some countries at least the courts make and develop law. Where statutory law is not always clear or full or not free from ambiguities of language, the meaning, spirit and implications of law have to be spelt out by courts. Where the existing law is silent, the judge may consult customs, equity, and the like. This is the way that the Common Law of England has been built up. This type of law is known as "case law" or "judge-made law".

1. For the material in this section the author is indebted to J. W. Garner (23 : 775)

In Latin countries, this procedure is known as jurisprudence. In Anglo-American countries,¹ it means the right of the judges to constitute and interpret statutes. It also means the right to decide what the common law is when the statute law is silent. Judges are to interpret not only what the legislature meant by a statute but what it would have said if a point which was not present there had been present.

In France where the law is silent, obscure or insufficient, the judge is compelled by law to do justice. This is the way that the Roman law was built up from its humble beginning in the Twelve Tables.

As regards the content of judge-made law or common law in England, Garner writes "It includes the greater part of the law of the contract, almost the whole of the law of torts, all the rules or doctrines of equity, and the body of law known as the conflict of laws ; or, as it is sometimes called the body of private international law" (23 : 777). Such common law is not found in any statute books, but in the reports of the courts. In France the whole of the administrative law has been built up by the decisions of the Council of State, which is the supreme administrative court of the country.

Bentham was opposed to this method of explaining and expanding law by judges. He regarded it as an encroachment on the functions of the legislature. Bryce, on the other hand, upholds it as providing the necessary loophole for "the expansion or extension" of law.

The decisions of the courts constitute precedents and these exercise a great influence, especially in Anglo-Saxon countries. They are regarded as a source of law and the courts are bound to further them. There is no such moral compulsion in the continental countries in general where even inferior courts may depart from them. In the Anglo-American countries, the superior courts can depart from or overrule precedents, but they do not do it generally.

(7) *Administrative Law* has been defined as "that part of public law which fixes the organization and determines the competence of the administrative authorities and indicates to the individual remedies for the violation of his rights".

Administrative courts are found in France, Germany and several other European countries, parallel to the ordinary courts (but not

1. Countries which have followed the Anglo-Saxon system of law to a greater or lesser extent.

in India). They deal with cases involving claims against the State and apply laws different from the civil law. The idea of separate courts and separate laws for administrative cases arose in France. The argument was that a State officer applying law is different from ordinary individuals in private cases. The administrative issues involved could not very well be grasped or taken into full account by ordinary courts and ordinary judges. Therefore, for such judges to deal with the above cases would mean "interference with the operations of the Government and impair the efficiency of administration". Special administrative tribunals or courts were therefore set up for the purpose. The Council of State is the highest court under this system. Just as the English courts have built up a large body of common law, the Council of State has built up a large body of administrative case law. Originally meant to prevent the interference of ordinary courts in administrative cases, today their major function seems to be to protect the individual against "the arbitrary and illegal acts of government and its administrative agents" (23).

In England and the U. S. A. an aggrieved individual cannot generally sue the State, but only the particular officer or agent concerned who is supposed to be personally responsible. This method has not often been very effective. The Council of State in France decides thousands of cases with speed and little expense to the person concerned.

In the Anglo-Saxon countries and others which follow their system, the State can be proceeded against only by petition of right. A public official has to be proceeded against as though he was another private individual. Even though the British system does not admit special administrative courts, yet there are many subordinate administrative tribunals, boards, commissions and authorities performing much the same function. But the theory is that in Anglo-Saxon countries any public official can be called up before an ordinary court for his public acts.

Criticism : For a long time there was a general prejudice in the Anglo-Saxon countries against administrative courts. But such prejudice is not so strong now. In every country the ordinary citizen has a different status from that of the government official as regards privileges and immunities. Judges of administrative courts, contrary to the popular opinion, are not at the mercy of the government of the day, but have shown considerable independence of action. In hundreds of cases they have decided in favour of individuals against

government officials. Considerations of equity are often taken into account. Garner says that for the French people the Council of State has come to have a position of respect similar to that enjoyed by the Supreme Court in America.¹

INTERNATIONAL LAW

Definitions of International Law.

Lawrence defines international law as "The rules which determine the conduct of the general body of civilized States in their mutual dealings". According to Brierly, it is "the body of rules and principles of action which are binding upon civilized States in their relation with one another". To Fenwick it means "the body of general principles and specific rules which are binding upon the members of the international community in their mutual relations". Pitt-Cobbett holds that international law is "the sum total of the rules accepted by civilized States as determining their conduct towards each other and towards each other's subjects". Oppenheim defines it as "the body of customary and conventional rules which are considered legally binding by civilized States in their intercourse with each other".

The paramount question is how far are the claims of international law to be called law justified in the light of the nature of law? To an answer to this question we now turn.

Is International Law law at all?

If law is interpreted as "the will of the sovereign" in the sense interpreted by Hobbes and Austin, then the claim of the law of nations falls to the ground. Oppenheim (*International Law*, p. 7) rightly holds that such a narrow, legalistic definition of law ignores the existence of customary law; and that at the same time it wrongly presupposes that a law must always have 'a law-making authority' prior to its existence and that "it must receive recognition" before it is called a law. Furthermore, the conception of law under question is only partially correct as it ignores the totality of its "essence and comprehension".

Oppenheim solves the tangle by giving a more scientific definition

1. For further details of Administrative Law and Administrative Courts see chapter on Organization of Government under the Judiciary.

of law as "a body of rules of human conduct within a community which, by the common consent of the community, shall be enforced by external power". This means that law has three essential components : (1) a community; (2) a body of rules for human conduct within that community (both customary and conventional); (3) enforcement of these rules by external power. Oppenheim says that "a community may be said to be a body of a number of individuals, more or less bound together through such common interests as create a constant and manifold intercourse between its members". This means that there can be a true international community, as distinct from a mass of humanity. Where there is such a community we find certain customary conventional rules of conduct. Trouble arises, however, with regard to enforcement. It is obvious that the execution of international law as compared to the execution of domestic law is weak because of a lack of "a permanent machinery" to give expression to the "common consent" of the community. But where such common consent is present, as is often the case, the enforcement of international law becomes possible.

Those who object to the above interpretation may hold that the so-called international law is no more than international morality. Oppenheim gives a fitting reply to it when he says : "A rule is a rule of morality, if by the common consent of the community it applies to conscience and to conscience only; whereas, on the other hand, a rule is a rule of law if by the common consent of the community it will eventually be enforced by external power".

Thus for the existence of law neither a law-giving authority nor a court of justice is absolutely indispensable, however important they may be. In spite of this truth, it may be said that the law of nations is a weak law, when compared with the municipal law. Even if this be true, the admission does not take away from the law of nations the character of law. The weakness is due to the fact that international law is a law *between* sovereign states and not *above* them.

Sources of International Law.

The common consent of nations is the basis of the law of nations; but this does not mean simultaneous consent. It simply means that no single nation can unilaterally alter existing international law.

Consent can be both *express* and *tacit*, respectively known as conventional and customary international law. Article 38 of the Statute of the International Court of Justice directs the court to

apply the following canons, which, in turn, form the source of the law of nations (*See Brierly : The Law of Nations, p. 576*) :—

(a) International conventions, whether general or particular, establishing rules expressly recognized by the contesting states.

(b) International customs, as evidence of a general practice accepted as law.

(c) The general principle of law recognized by civilized nations.

(d) Subject to the provisions of Articles 59, judicial decisions and the teachings of most highly qualified publicists of various nations as subsidiary means for the determination of rules of law. Pitman Potter considers the following as the principal sources of international law:—agreement and consent, international treaties, legislative action taken in international conferences, decisions of judicial bodies, both national and international, and writings of jurists.

Theories of the Nature of International Law.

(a) One of the oldest of theories is that of the *Naturalists*. Pufendorf is the father of this school. His ideas were developed in the eighteenth century by Rutherford. According to this theory, the law of nature is the sole source of the law of nations. It denies the claim of customary international law to be called law at all. According to it, the law of nations is only a part of the higher law of nature.

(b) The *positivists* led by Richard Zouche (1590-1660) as interpreted by Oppenheim. According to them international law is not *above* states but *between* states. In other words, the chief source of the law of nations is the consent of the state, and so the law of nature has little to do with it.

(c) The Grotian school adopts a middle position between the above two theories. It was developed by Wolfe (1679-1754) and Vattel (1714-1767). In the words of Oppenheim, "Just as the law of nature applies to men taken individually so also it must apply to them, taken collectively, *i. e.*, as organized states" (153 : 93-94). Thus while conceding the claims of national sovereignty, this school asserts the existence of external limiting factors of the same in the law of nature.

Of the three schools, the Naturalist school held the field until the close of the Middle Ages. It received considerable support from the writings of the Greek, Roman, and mediaeval writers such as Aristotle, Cicero, and Aquinas. The consolidation of the principle of sovereignty beginning with the modern period witnessed the rise of

the positivist school which received further support in the writings of Bodin, Hobbes, and Austin.

Twentieth century developments can well be called a revival of the Grotian school in a more rationalized form due to two factors. The first of these is the growth of international organizations and conventions, limiting the absolutist claims of national sovereignty such as the Hague Conventions (1899, 1907) the Covenant of the League of Nations (1919); the Pact of Paris (1928); the Charter of the United Nations (1945); the Geneva Convention (1949); and the Panchsheel (1955). The second factor is the re-emergence of humanist philosophies in rationalized forms, as in the writings of Laski, Russell, and M. N. Roy. Resting on a world outlook, the doctrine of Marxism too, in a negative way, has done much to counter the old positivist conceptions of international law.

The twentieth century has further witnessed the codification of international law, making for precision as well as elaboration.

Public and Private International Law.

Public international law relates to the rights and duties of States. At times it relates also to sub-state entities. Private international law, says Potter, "consists essentially of principles for resolving conflicts of law or jurisdiction among States over individuals, their activities, and their property".

The Relation between Municipal Law and International Law.

As on most issues, there are two points of view with regard to this question : (a) the dualistic and (b) the monistic view. According to the dualistic view, the two types of law differ (i) because their sources differ. Whereas municipal law develops through customs and enactments *within* a State and is enforced by the *sovereignty* of the State, international law develops through customs which have grown within the family of nations and law-making treaties concluded by the members of that family (153 : 35-36).

(ii) The two systems differ as regards the relations they regulate. Whereas municipal law regulates the relations between individuals under the control of a State, international law regulates the relations between the member-States of a family of nations.

(iii) The two systems further differ as regards substance. Whereas municipal law is the law of a sovereign over the individuals subject to its control, the law of nations is a law, not 'above' but 'between' sovereign states.

In view of these differences, advocates of the dualistic view regard municipal law and international law as altogether different from each other and hold that international law, neither as a whole nor in part, can be regarded as a part of municipal law. They further argue that just as municipal law cannot make or alter international law, so international law cannot create or change municipal law. Needless to say that this is an extreme point of view and is correct only partially.

(b) *The Monistic View.* According to this view, the subjects of law under the two systems are not essentially different. While municipal law regulates the conduct of the individuals under it, international law regulates the conduct of states between each other. In the second place, in both cases law is essentially "a command binding upon the subjects of the law independently of their will". Thirdly, according to the monistic view, as interpreted by Oppenheim, international and municipal law, far from being essentially different, must be regarded as manifestations of "a single conception of law". That is to say, international law cannot be comprehended without the assumption of a superior legal order from which the various systems of municipal law are, in a sense, derived by delegation (153 : 36-37).

Even though an international order of the kind described here is not in full operation, yet it is not a mere phantasy. The development has been from the city state to the nation and empire states, and may we hope that the next stage will be towards a world state? Thus the conclusion to which we are driven is that it is international law which determines the judicial limits of the personal and territorial competence of the state. Furthermore, it is only by reference to a higher legal rule in relation to which states are equal. This means that the equality and independence of sovereign-states are derived from the equality of states as a *political* concept, and not as a *legal* concept.

We admit at the same time that municipal courts are not bound by the law of nations and that they may even enforce laws which are contrary to international law. But this merely shows the weakness of international law and organization. The fundamental problem, therefore, is to evolve a rational relationship between the two systems of law so that progress in international law may not be hampered by the deadweight of a stagnant municipal law.

The Content of International Law. The three broad divisions of international law are the law of war, the law of peace, and the law of

neutrality. Some important aspects of international law are diplomacy, commercial and personal intercourse, postal and electrical communications, health, morals, intellectual life, etc. The scope of international law is expanding all the time; and conventions are coming to play a greater and greater part.

Sanctions. International law does not generally have the automatic sanctions enjoyed by municipal law. Yet there are sanctions of an indirect character. Among these must be listed (1) respect for principle; (2) pledges given by states in advance, as in the case of the "Optional Clause"; (3) considerations of mutual convenience; and (4) fear of retaliation. "International Police Action" is no longer an empty phrase, as seen in connection with situations tantamount to war in Palestine (1948 and later), Egypt (1956) and the Congo Republic (1960).

To conclude the discussion on international law, we agree with Potter when he says "The integration of international law with national law, or the subordination of the latter to the former, is likely to continue, along with the integration of international organization and administration with national government".

LAW AND MORALITY

In general terms, it may be said that law is a subject of study of political science, while morality as a subject of study is assigned to the field of ethics. Yet there is considerable overlapping between the two. Gilchrist rightly observes that "both political science and ethics deal with man as a moral agent in society" (28 : 178). The end of the State, says another writer, "is to establish order and to respect personality". According to MacIver, the State creates those universal, external conditions of social order necessary for the expression and development of free, moral personality. But it is obvious that it cannot promote the moral end directly, since morality is for the most part a self-earned good. While the State cannot *make* a person moral, it can *induce* him to be moral or *surround* him with those social and physical conditions where the spontaneous living of the moral life becomes possible.

Law and morality differ from each other in content, sanction, and definiteness. Political law is chiefly concerned with the outward acts of man, but not with his inner motives. As a recent writer puts it, it does not touch his thought or his inner springs of conscience. In

the words of Ernest Barker, "In matters of conscience there is no compulsion." Law touches only a segment of human life, whereas morality includes the whole of life, *i. e.*, man's thoughts, motives, and actions. Law can prescribe external acts, but it cannot prescribe morality. It is only when thoughts and motive translate themselves into action that they come within the purview of law. Falsehood, meanness, envy, jealousy, ingratitude, and cunning are morally wrong, but not legally. One may be a habitual liar in his personal life, but so long as he does not cheat some one or break a contract, law does not come into operation.

The sanction behind law is force—often physical; whereas the force or sanction behind morality is one's own conscience, social indignation, and the fear of incurring God's wrath. The State makes use of fear of legal punishment and hope of reward in the carrying out of its behests. Morality, on the other hand, rests on a person's intuitive ideas of what is good and what is bad as well as on the motive of social approbation and disapprobation. In general terms, it may be said that public censure is behind morality, while physical punishment is behind law.

Law and morality differ further in their scope and definiteness. Law is universal. It is more exact, consistent, and definite than morality into which enter elements of uncertainty and vagueness. In the last analysis, an individual is the best judge of what is right and what is wrong for him. Therefore, standards of moral judgment are bound to vary from person to person. Apropos of this, MacIver writes: "The sphere of morality can never therefore be coincident with the sphere of political law. Morality is always individual and always in relation to the whole presented situation, of which the political fact is never more than an aspect" (55 : 156).

Moral duty and legal obligation do not always coincide with each other. Thus what is morally unjustified is not necessarily legally wrong. Nor is what is prohibited by the State necessarily morally wrong. Thus traffic to the left is legally right in India, the U. K., and a few other countries. But there is nothing morally right about it except in a remote way. As a matter of fact, in the U. S. A. and the continent of Europe traffic keeps to the right of the road. Self-indulgence is morally reprehensible, but not legally wrong. As has been rightly said, law follows standards of convenience or expediency, whereas morality prescribes absolute standards of right and wrong, of justice and injustice. A compromised morality is no morality.

Political law is objective, while ethical law is subjective. The former deals with what is permitted and what is not permitted by the law of the land. Morality, on the other hand, is rooted in universal values as conceived and interpreted by the individual. "To turn all moral obligations into legal obligations would be to destroy morality" (55 : 157). This means that the State cannot dictate morality, because State-directed morality is no morality at all. As said above, morality is a matter of inner conviction and conscience and, as such, it does not easily lend itself to outer regulation.

COMMON GROUND BETWEEN LAW AND MORALITY

Yet, there is considerable common ground between law and morality. If the people are good, the State is good and *vice versa*. In the well-known words of Plato, "The best State is that which is nearest in virtue to the individual. If any part of the body politic suffers, the whole body suffers." To put the matter in other words, man can fully develop his personality only within the State. It is the supreme condition of his moral life.

The State can positively promote the conditions of morality and negatively remove conditions inimical to morality. Gilchrist states the matter as follows : "As a positive moral agent, the State makes good laws, i. e. laws which are in accord with the best moral interests of the people. Negatively, the State must remove bad laws."

The connection between law and morality is so close that it is not always easy to draw a sharp line between the illegal and immoral. Thus theft is both a moral and legal offence. Further, what is immoral today may become illegal tomorrow and *vice versa*. Thus drunkenness is immoral, but not illegal until a prohibition law is passed. Compulsory education when it is enacted is legal but not necessarily moral. But as people's ideas regarding their responsibility to their children advance, not to send one's child to school becomes immoral. In every case, care should be taken not to let the State assume that it has an end of its own apart from the enrichment of personality.

LAW AND THE STATE ACCORDING TO LASKI

Legal Norms and Economic Power.

It is necessary to recognize the close relationship between Laski's theory of the state as the administrative instrument of a class and his conception of law. In his "Introduction to Politics", Laski says, that

in every social system, a struggle goes on for the possession of economic power. The section of the community which controls this power can also make its wants effective. Law is therefore "a system of relations giving the expression of legal form" to these wants. The patterns of distribution of economic power in a given society decide the nature of legal norms of that society. Law, in these circumstances, reflects the wants of those who own or control the means of production in the state. Political authority uses the legal structure to serve the economic interest of the owners of land or capital or both depending upon the ascendancy of a particular interest in a given social system. The state does not exist to realize any abstract concept of general justice or common good. Its function in its actual historical role has been to promote the particular interests of the dominant economic class in society.

Justice and Class Interest.

Thus the purpose of law is not to secure absolute justice but to safeguard the political ascendancy of the economically dominant class. The legal structure of every society has a distinct class basis. The function of law in a feudal society is to consolidate the social, economic and political power of the nobility. In a capitalist society, the legal system administers to the needs of the capitalist class. In a socialist society, the legal structure is again modified and adapted to the needs of the working class. Thus law can never be an impartial body of rules mediating between the conflicts of different classes in the society. Laski does not agree with those liberal jurists who regard the law as a neutral agency of mediation established by the state for the preservation of social peace and order.

Criticism of the Austinian View.

Laski regards the Austinian theory of law as inadequate for the purposes of political science although he admits its formal consistency in the realm of jurisprudence. In fact, Austin has only sought to develop a self-consistent theory of the juridical order in which neither ethical nor sociological considerations have been taken into account. "Law, on this view", says Laski, "was completely separated from justice on the ground that this latter concept introduces non-juristic postulates foreign to the nature of law. On this view, the authority of law ultimately derives from the final norm in a series—the state, and this norm, in its turn, is a postulate incapable of examination

since, as the supreme source of authority, it cannot be called into question. Granted its postulates, I believe the pure theory of law to be unanswerable, but I believe also that its substance is an exercise in logic and not in life. For we know in fact that the law of any given society is the expression of the push of social forces in that society".¹

Some Pertinent Questions.

He therefore makes an attempt to define the content of law as distinct from its source or mode of operation. This he does by asking a few pertinent questions. If law is grounded in utility, Laski at once asks to whom it is useful. If it is the expression of reason, he asks whose reason it embodies. If it is an embodiment of the common good, he would ask who conceives that common good. If it is a fulfilment of certain social purposes, he would like to know who has defined those purposes. To all these questions, the answer would be that the law is useful to a particular class only which owns the means of production in that society. It embodies the reason of that class alone to the exclusion of other classes. The common good is conceived by the representatives of that class which often identifies its sectional interests with the common good. The social objectives which the legal order serves are the objectives defined by the members of the ruling class and administered by them either directly or through their trusted agents in the state bureaucracy and the courts (50:31).

The Content of Law

There is no place in Austin's theory of law for an objective analysis of its content as Laski has attempted. But he no longer attacks Austin's view on pluralistic grounds. As Laski has accepted the principle of the sovereign State, he must accept it with all its implications in the legal system. He is quite conscious of this when he says that the law cannot be anything else except the will of the sovereign State. Law is not just a body of rules and regulations existing independently of the will of a particular State. Law is, therefore, a system of commands which the State is willing to enforce. From this point of view the content of law becomes of secondary significance. The law may be foolish or unjust but it is nevertheless law because the sovereign has commanded it. Citizens ought to obey the law because disobedience is punishable. Its title to obedience

1. Laski: "A Grammar of Politics", Introductory Chapter, p. 6.

depends solely on the source from which it emanates. If disobedience is permitted, the State would not be regarded as sovereign.

Laski compares Austin's theory of law with Euclid's system of geometry both of which are self-consistent systems whose validity cannot be challenged within their respective spheres of discourse. As he says, "It is, so to speak, an abstract conceptualism in which, for certain clearly defined purposes, law is divorced from justice and made simply a final term in a hierarchy of wills behind which it is impossible to go. The jurist here is engaged on a purely formalistic analysis. He excludes from his field of discourse all considerations of what is ethically right or socially expedient and considers only as law that which emanates from a will whose source may be traced to the sovereign. For him, as jurist, the only problem involved is whether the sovereign sanctions the particular form of behaviour which presents itself as legal. Any other question is, in Maitland's happy phrase, *metajurisprudence*, and so outside his province" (50:32). Thus Laski admits the formal validity of Austin's analysis but he is more concerned with the sociological content of the law and its relation to an ethical norm of justice.

Two Discordant Elements in Laski's Theory.

In Laski's theory of law, two rather discordant elements have been unhappily combined. In the first place, he has defined the sociological content of law in a Marxist way regarding it as an expression of the needs of a particular class. Secondly, he has revived the traditional theory of natural law as an ethical test of any legal system. According to Marx, morals as well as laws have a precise class basis and there is no absolute morality by which the ethical quality of particular laws may be tested. Thus Laski's belief in the theory of natural law is not consistent with his sociological analysis of its content.

Legal System and Class Structure.

The content of a legal system is judged by its reference to the class structure it supports in a given society. Laski, however, does not argue that all law is a product of the class struggle. There does exist a great body of legal rules in every community which may be deemed socially neutral and are adopted for the general convenience of the citizens. But the most important elements of any legal system do exhibit a clearly defined class character.

"The idea of the class struggle", says Laski, "permeates legal notions at every point of pivotal importance. The law of sedition is unintelligible except as an effort to protect the *status quo* from the threat of invasion. It is a safeguard, we say, of law and order; but the law and order it safeguards are that which maintains a particular system of class-relations from the threat of challenge. The attitude of our courts in trade union cases is, again, unintelligible except as the expression of a mental climate which has never freed itself from the belief that trade unions are organisations threatening the equilibrium of a society built upon the principle that the means of production must remain in private hands. The use of the injunction in labour disputes by the American Courts is as a weapon in class warfare" (50 : 174).

Judiciary in England and America.

On the basis of a detailed examination of the judicial processes in England and the United States, he has come to the obvious conclusion that the judiciary cannot transcend the class-structure of the society in which it operates. While in capitalist countries the legal system operates in favour of the capitalist class, in Soviet Russia the legal structure is similarly biased in favour of the working-class. Besides, Laski thinks that there is not only an inherent bias in the substance of law discriminating the rich against the poor, there is also a procedural inequality between different classes on account of the financial question involved in securing the justice from the courts.

As Laski points out, "Broadly, there is equality before the law only when the price of admission to its opportunities can be equally paid; and there is no administrative equity to redress this balance. It is simply inherent in a society with the class-relations of our own. And it is those class-relations also which mean that, as a general rule, the ablest lawyers will be at the service of those only who are able to afford them. The successful lawyer—the class from which, in the Anglo-American system, the members of the judiciary are mostly drawn—spends his life in ministering to the needs of the dominating class of our society" (50 : 175). Thus Laski concludes that the principle of the so-called equality before the law is completely vitiated in practice by the inequality of economic opportunity in a capitalist society.

Ethical Test of the Legal System.

Finally, Laski wants to determine the ethical test by which the validity of a legal system may be adjudged. Neither Austin nor

Hegel gives any adequate answer to this question in his opinion. Law does not become morally desirable because it has been willed by the sovereign. If the sovereign commands compulsory conscription for the Quakers who are conscientious objectors to war, the act of the sovereign will be legal but it will at the same time be morally inadmissible. Nor does he agree with Hegel that the law as it really exists as a bequest of history is an embodiment of rationality.

According to Hegel and the idealists in general, the law becomes ethically desirable simply because it has been widely accepted by the community. Laski points out that the law of a fascist State is generally accepted by the community because the decrees of the totalitarian state are backed by a tremendous amount of force. But people accept these decrees not because they regard them as the embodiment of morality but because they have been enacted by a coercive authority against which resistance is not possible. The ethical test of the law lies in the judgment of the individual conscience.¹

Law, Rights and Conscience.

"Law to be ethically valid," says Laski, "must conform with the requirements of the system of rights the purposes of which the state exists to maintain. And since law is a command seeking to control my behaviour in some particular way, I must judge that conformity for myself as the test of its ethical adequacy. The roots of valid law, that is, are, and can only be, within the individual conscience. I make law legal, so to say, by giving to it operation the consent of my conscience" (50 : 82). This conception of the ethical test of law rests upon an atomistic conception of society which is in direct contradiction with the collectivistic basis of the Marxian doctrine which regards the class rather than the individual as the supreme factor in the legal system. Laski has obviously not realised this contradiction in his theory of law because he has generally interpreted the protest of the individual not in his personal isolation but as a member of the class to which he socially belongs.

1. See Professor Coker's remarks about Laski's conception of law in his "Recent Political Thought", Chapter XIX, pp. 537-539.

CLASSIFICATION OF STATES AND CONSTITUTIONS

CLASSIFICATION OF STATES

THERE has been considerable discussion among political thinkers as to whether one should speak of 'the classification of states' or 'the classification of governments'. Willoughby, Gilchrist, and Garner prefer the latter term on the ground that in essence all states are alike and that they all possess population, territory, sovereignty and government. Writers like Leacock, on the other hand, do not agree with this argument and claim that a State is known by the structure of government and by the end which it serves. They, therefore, prefer the term 'classification of states' or 'classification of constitutions' to the term 'classification of governments'.

1. *Plato and Aristotle.*

The classification of states is not a modern idea. It goes back to those two masters of political thought, Plato and Aristotle.

Being a pioneer in the field, Plato is not consistent in his classification. He offers two different versions in his *Republic* and the *Statesman*. In general, he speaks of three types of states :—

(a) The State of the sovereign idea or reason. This is the *state of perfect knowledge*, where the real sovereign is knowledge. Such a State Plato believed never existed anywhere. Yet it is an ideal towards which political efforts might be directed. This ideal is sometimes stated as rule by an all-wise philosopher, *i.e.*, ideal monarchy. At other times it is stated in terms of an ideal aristocracy.

(b) States where there is *imperfect knowledge*. In such states laws are necessary. Human imperfection necessitates laws. This is decidedly the point of view of Plato's *Laws*. In his earlier work *The Republic*, the preference was for an ideal monarchy (or an aristocracy) in which there would be no laws, but only occasional decrees issued by the all-wise philosopher-king; but failing to discover such kings, in his later work, *The Laws*, Plato turns in the direction of laws.

(c) States where there is *lack of knowledge*. These are the states of ignorance. Here laws exist, but they are not obeyed.

Thus the criterion of Plato's classification is States where laws are obeyed and States where laws are not obeyed.

Gilchrist states the matter in the form of a chart:—

	States in which law is obeyed	States in which law is not obeyed
Rule by One	Monarchy	Tyranny
Rule by Few	Aristocracy	Oligarchy
Rule by Many	Moderate Democracy	Extreme Democracy

Aristotle, who followed closely on the heels of Plato, was more of a realist than his master. The bases of his classification were quantitative and qualitative; that is to say the number of those in whom sovereign power was vested; and the end or purpose towards which the power was directed. States which seek the good life of all are the true or normal states. Those which deviate from that end are the perverted states. Thus his classification in the form of a chart is as follows:—

Form of constitution	Normal State seeking the common welfare	Perverted State where the common welfare is ignored
Rule by One	Monarchy	Tyranny
Rule by Few	Aristocracy	Oligarchy
Rule by Many	Polity	Democracy

To explain the matter in detail, pure monarchy or royalty is government by the one in the interest of all. When it degenerates into the selfish rule of one, it becomes tyranny. When a few rule for the common good, it is aristocracy. But when they rule in their own self-interest, aristocracy is perverted into oligarchy. When the many rule in the interest of everybody it is called polity or mild democracy. But when they rule with a view to promoting their own class interest, it becomes democracy or ochlocracy (*i. e.* mob rule). It is necessary here to make note of the fact that where the modern world uses the

term 'democracy', Aristotle uses the term 'polity'. What he calls 'democracy', is what we today would call mob rule. An equivalent of polity used by Aristotle is 'constitutional democracy', which is defined as the unselfish rule of many for the common welfare. These types of government, according to Aristotle, follow one another in the form of a cycle.

The above classification given by Aristotle is and more realistic than that of Plato and covered the field adequately until recent times. Commenting on it, Gilchrist writes: "The classification is not sufficient for modern forms of government; but it has provided the historical basis of practically all classifications made hitherto". (28 : 228).

According to Aristotle, the question of numbers is only accidental compared to the end or purpose for which a state exists. Thus an oligarchy is the rule of the rich, be they few or many, in the interest of the rich; and democracy likewise is the rule of the poor, be they few or many, in the interest of the poor. All of this is not very helpful to us today.

Dealing with the thought of Plato and Aristotle as a whole it may truly be said that Aristotle begins where Plato leaves off. Plato started with an ideal monarchy and ended with a mixed aristocracy, i.e. an aristocracy of ability modified by an aristocracy of landed property. Aristotle began with such an aristocracy as his ideal but ended with a mixed constitution which is much the same as polity as the most practical ideal. Between mild democracy and mild oligarchy he does not draw too much of a distinction. On the other hand, he devotes a great deal of space and attention to the preservation of different types of constitutions. Here he sounds more like the realist Machiavelli than the idealist Plato.

2. *After Aristotle.*

Some other writers of the past who have attempted a classification of states are Polybius, Cicero, Machiavelli, Bodin, Hobbes, Locke, Montesquieu, Rousseau, and Bluntschli.

Polybius adhered to the traditional classification of states into monarchy, aristocracy, and democracy and tended to believe that they together with their corresponding corrupt forms followed one another in the form of a cycle. Thus the order was monarchy, tyranny, aristocracy, oligarchy, democracy, and mob rule. When the last stage became unbearable it gave rise to monarchy again and the cycle repeated itself.

Cicero who followed Polybius was no innovator. Like Polybius, he paid his tribute to the mixed constitution and the system of checks and balances. The only addition he made was to interpret the three organs of government as representing the three principles necessary for stability; thus monarchy represents the principle of force or authority, the senate, the principle of prestige and influence, and popular assemblies, the principle of liberty.

Coming to the beginning of the modern period in European history, Jean Bodin may be regarded as the first important political philosopher of modern times to base his classification solely on the number of men in whose hands sovereign power resides. When sovereign power rests in the hands of one man it is a monarchic state; when in less than a majority of citizens, it is aristocratic; and when in the majority, it is democratic. Bodin further classified monarchy into (1) royal or pure, (2) despotic, and (3) tyrannical.

In his *Leviathan* (pp. 96-97), Hobbes writes "When the Representative is one man, then is the Commonwealth a Monarchy : when an Assembly of all that will come together, then it is a Democracy, or Popular commonwealth : when an Assembly of a Part only, then it is called an Aristocracy". Suffice it to say that there is nothing new in this classification.

Locke does not differ substantially from Hobbes. He classifies states as monarchies, oligarchies, and democracies and subdivides monarchy into the hereditary and elective types.

Montesquieu classifies states into (1) republics (a) democratic and (b) aristocratic (2) monarchies and (3) despotisms. All these governments have a sustaining and driving power behind them. Democracy has the spirit of public service behind it. Aristocracy is based on the principle of moderation, monarchy on honour, and despotism on fear.

Coming to more recent writers, we find that J. A. R. Marriott classifies constitutions as :—

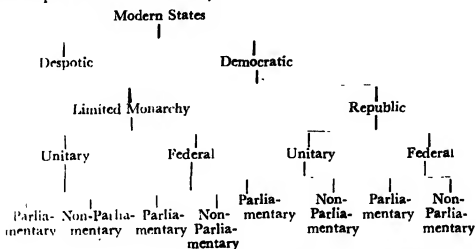
1. Unitary and federal

2. Rigid and flexible

3. Monarchical and presidential. He also speaks of parliament ary and responsible or the cabinet type of Government.

Leacock draws a sharp line between despotic and democratic states and further divides democratic states into (a) limited monarchies and (b) republics. Each of these (a) and (b) in turn he subdivides into unitary and federal ; and these again are divided into parliamentary

and non-parliamentary types. The following table as drawn up by Gilchrist puts the matter clearly.



A CLASSIFICATION OF MODERN STATES AS SUGGESTED
BY BRYCE, JENKS AND MARRIOTT (164)

Basis of Division		A	B
I	The conception regarding the sphere of the State	Liberal	Totalitarian (a) Communist (b) Fascist
I	The nature of political organization		
1	The nature of the State	Unitary	Federal
2	The nature of the Constitution	Flexible	Rigid
3	The nature of the electorate	(i) Adult suffrage (ii) Single member constituency	(i) Restricted suffrage (ii) Multi-member constituency
4	The nature of the Legislature	Bicameral (a) Elective or partially elective second chamber (b) Non-elective second chamber	Unicameral
5	The nature of the Executive	Parliamentary	Non-Parliamentary
6	The nature of the Judiciary	The rule of law	Administrative Law

This classification is based on two major ideas :—

- (i) the sphere of state action ; and
- (ii) the nature of political organization.

With the help of this chart, Strong attempts to classify the British and French constitutions as follows :—

The British Constitution	The French Constitution under the Fifth Republic
Liberal	Liberal
Unitary	Unitary
Flexible	Rigid
Adult suffrage	Universal, adult suffrage
Single-member constituencies	Single-member constituencies
Bi-cameral legislature with a non-elective second chamber	Bi-cameral legislature with an elective second chamber, elected by indirect suffrage
Parliamentary executive and rule of law.	Parliamentary executive under the aegis of the President and administrative law.

George Schwarzenberger classifies states into national and multi-national states. The latter, he says, are divisible into (1) the dynastic state (e. g. Austria-Hungary, prior to World War I); (2) the religious state (e. g. the Ottoman Empire as it was up to 1919); (3) the colonial state; (4) the Commonwealth state; (5) the federal state; and (6) the pseudo-federal state.

THE NATURE AND DEFINITION OF CONSTITUTIONS

The Nature of the Constitution.

In as much as modern states are constitutional states, they have been classified according to their nature as to whether they are written or unwritten, rigid or flexible. Although we generally tend to think of a constitution as a written document, it "may be unwritten and yet serve the same general function as a written constitution" (94:299).

Definitions of Constitution.

Bouvier, in his Legal Dictionary, defines a constitution as "the fundamental law of a state, directing the principles upon which the

government is founded, and regulating the exercise of the sovereign powers, directing to what bodies or persons these powers shall be confined and the manner of their exercise" (94:299). George Cornwall Lewis writes: "The term 'constitution' signifies the arrangement and distribution of the sovereign power in the community, or the form of government" (138:20).

A constitution fixes the general structure of the State. It is, so to speak, the skeleton of the State. Charles Borgeaud, a noted Swiss authority on the subject, says: "A constitution is the fundamental law according to which the government of a state is organized and agreeably to which the relations of individuals or moral persons to the community are determined. It may be a written instrument, a precise text or series of texts enacted at a given time by a sovereign power; or it may be the more or less definite result of a series of legislative acts, ordinances, judicial decisions, precedents, and customs of diverse origin and of unequal value and importance"¹.

H. Finer defines the constitution as "the system of fundamental political institutions" or as, "the autobiography of a power relationship". (20 : 116-17).

The Necessity of a Constitution.

During the period before the American Revolution, the idea of a constitution as a necessary and fundamental document was very much to the forefront. As the nineteenth century wore on, the idea became firmly rooted that every state must have a constitution and that it must rest on the approval of the whole people. Today constitutionalism has become the bedrock of democracy. A constitution is desired for a variety of reasons :—

1. To curb the powers of government by a fundamental law.
2. To restrain the government on behalf of the individual.
3. To limit the vagaries of present and future generations. John Adams, James Madison, and a long succession of the Supreme Court Justices of the U. S. A. emphasized this viewpoint. In contrast to it, Jefferson preferred to set a limit to the duration of any particular constitution (94:302).

Today most scholars will agree with Schulze when he says "every community entitled to the name of state must have a constitution,

1. "The Origin of Written Constitution", Political Science Quarterly, Volume 11, p. 613.

i. e., a collection of norms by which the legal relations between the government and its subjects is determined and in accordance with which the power of the state is exercised. A state without a constitution is unthinkable"¹.

KINDS OF CONSTITUTIONS

(a) *The written Constitution.*

The American Constitution heralds the era of constitutionalism. The American example has been followed by several other nations. Constitutionalism provides for a philosophy of change which is rationalized legally as well as morally and socially. According to Finger, "France set the example of written constitutions in Europe, and the soldiers of the Revolution and the Empire carried the notion into Italy, Belgium, Spain and the South German States" (20 : 122). Written constitutions, says the same writer, "Secure a firm basis for political life".

A written constitution is one in which most of the provisions are embodied in a single formal written instrument or instruments. "It is a work of conscious art and the result of a deliberate effort to lay down a body of fundamental principles under which a government shall be organized and conducted" (116).

A written constitution may be comprised within a single document bearing a single date such as the constitutions of the U. S. A., India, and Burma or may be written in a series of documents such as those of France and Austria. In states having written constitutions there are generally two bodies of law, one constitutional and paramount, and the other statutory and subordinate. This distinction, however, is not always found in states with written constitutions (23 : 505-10).

(b) *The unwritten Constitution.*

An unwritten constitution is that in which most, if not all, of the prescriptions have never been reduced to writing and formally embodied in a document or collection of documents. It consists mainly of customs, usages, and judicial decisions together with a smaller body of legislative enactments of a fundamental nature created on different dates. The constitutions coming under this

1. "Deutsches Statsrecht", Vol. I. p. 19.

category cannot be struck off at once by a constituent assembly or any other body. They illustrate Sir James MacIntosh's dictum that "Constitutions grow, instead of being made" (23 : 508). The British constitution is the best example of such a constitution. Nobody has the legal authority to declare an act of Parliament or of the executive unconstitutional.

Even Britain has certain written documents such as the Magna Carta, the Petition of Right, the Bill of Rights, the Act of Settlement, the Franchise Acts, the Parliament Act of 1911. But the most important part of the British constitution is contained in "conventions" or "understandings". As Finer puts it "they are taken for granted but not formulated".

The classification of constitutions as written and unwritten has been criticized as inadequate and as lacking in political significance. The distinction between them is said to be one of degree rather than of kind since all written constitutions "become overlaid with an unwritten element" after a lapse of time; and written constitutions, as Bryce remarked, become "developed by interpretations, fringed with decisions, and enlarged by customs". Moreover, experience shows that it is impossible to embody all the principles in a written document, and conventions do grow in spite of there being a written document.

Therefore, classifying constitutions as written and unwritten is said to be not only unscientific but also confusing as it results in placing certain unwritten constitutions under the category of written constitutions and vice versa. Consequently, it has been suggested that a more useful and scientific classification of constitutions would be on the basis of the relation which the constitution bears to ordinary laws rather than its source. On the basis of this test constitutions are classified as flexible and rigid.

(c) Flexible Constitutions.

All those constitutions which possess no higher legal authority than ordinary laws and which can be changed or amended by the same procedure as ordinary laws, whether they are enshrined in a single document or in a large number of conventions, are classified as flexible or elastic constitutions. Such constitutions, though written, possess flexibility and can be altered at will as easily as an ordinary law. The constitution of Great Britain and, to some extent, that of India come under this category.

(d) Rigid Constitutions.

Those constitutions which are enacted by a different body, which have a higher status than ordinary laws, and which can be altered only by special procedure, are classified as rigid, stationary or inelastic constitutions. This fact is made clear if the method of amending the American, Australian or Swiss constitutions is carefully studied.

Written constitutions are generally rigid and unwritten constitutions are generally flexible. We may now examine the merits and demerits of rigid and written constitutions on the one side and those of flexible and unwritten constitutions on the other.

The merits of a written constitution are that they are

- (1) clear and definite ;
- (2) drawn up with great care and deliberation ;
- (3) free from being bent and twisted easily according to popular emotions or legislative despotism ;
- (4) stable and steady.

They further (5) afford protection to the individual and guarantee people's rights. Written constitutions usually incorporate fundamental rights.

Demerits.

(1) A written constitution attempts to compress into one document all the ideals and political principles of a nation. It is an attempt to fit the garment to an individual without taking into consideration his future growth and changed size, as Garner has put it.

(2) Written constitutions are as a rule difficult to amend. When rigidity and conservatism are carried too far, they prove to be elements of weakness and are detrimental to the national interest and may even lead to revolution.

(3) Under a written constitution the main concern of the judiciary is to see whether the law conforms to the provisions of the constitution or not. Since judges are generally conservative in their outlook, they tend to disregard the spirit of the times.

The merits of an unwritten constitution are as follows :—

- (1) They are easily adaptable to the changing conditions of a dynamic society.
- (2) Elasticity removes the temptation to violate the constitution but provides a legal means for satisfying popular passions and preventing revolutions.

(3) In the words of Bryce, "they can be stretched or bent so as

meet emergencies without breaking their framework; and when the emergency has passed, they slip back into their old form like a tree whose outer branches have been pulled aside to let a vehicle pass (116)".

The defects of an unwritten constitution are the following :—

- (1) They are unstable and in a state of perpetual flux.
- (2) They can be amended according to the whims and fancies of individuals or parties.
- (3) They sometimes become "the plaything of judicial tribunals".
- (4) According to some, they are meant for aristocratic societies rather than for democracies.

Both Esmein and Judge Jameson are of the opinion that an unwritten constitution "is suitable to a people who have a strong sense of tradition and a profoundly conservative spirit". Our own experience leads us to think that a nation lacking political consciousness and vigilance in the safeguarding of democratic rights must have a written constitution. Finer, however, argues that a written constitution does not have any great advantage over the unwritten. His argument is "At the most, the written constitution is a standard of reference, and it is valuable only in proportion to its clarity and the extent to which it has not been altered by interpretation" (20 : 127). Since such conditions seldom last more than a decade, the advantages of the written over unwritten constitutions are practically nil.

An ideal *written constitution* should contain the following elements :—

- (1) A set of civil and political rights which demarcates the area of freedom for citizens and sets a limit to the authority of the State.
- (2) Provisions outlining the structure and organization of the government, allotting powers and functions to each of it, and determining their mutual relations and defining their relations to the electorate.
- (3) A suitable method of amending the constitution. The prevailing view is that "constitutions ought not to burden the present generation with the legal conceptions of the past" but that they provide easy modes of amending the constitution, consulting the people periodically.

As regards the length of the constitution, there is no fixed rule about it. Earlier constitutions such as the American constitution confined themselves to stating the general principles of fundamental law. But later constitutions have incorporated even items which may

properly be called ordinary law. As a result of this tendency modern constitutions have become lengthy and unwieldy. The Indian Constitution (1949) with its 395 articles and 8 schedules is the longest constitution in the world.

UNITARY AND FEDERAL STATES

Modern governments are classified as unitary and federal on the basis of the concentration or distribution of powers and on the relation between the central and local authorities.

In a unitary system of government the entire governmental power is vested by the constitution in a single central government, and local authorities not only derive their power and autonomy from it but owe their very existence to it. In such a system

(1) There is only one state and one government, and there is no constitutional division or distribution of powers between the central and local governments. There is only one source of power, and one will.

(2) For the sake of administrative convenience, unitary states are divided into units known variously as departments, provinces, counties, communes, etc. They are given a certain amount of autonomy and limited powers of local government. But their creation as well as continuance depends on the will of the central government and is not determined by the constitution.

(3) Another way of stating this truth is that the power and autonomy possessed by these local bodies is not an original power, but is derived from the central government which may enlarge or restrict it at its will.

(4) In short, in a unitary state the local authorities are merely parts of the central organization created by the latter to act as its agents for the purpose of local administration.

Merits of a Unitary State.

(1) A unitary state can bring about a uniformity of law, policy, and administration throughout the length and breadth of a country. By so doing it can help to bring about a unified and integrated governmental machinery.

(2) In matters of defence and international relations, the strength of the unitary state is especially manifest because in such a state there can be no conflict of authority, no conflict or confusion of responsi-

bility for work to be performed, no overlapping of jurisdictions, no duplication of work, plant or organization which cannot be immediately adjusted (170:177).

(3) A unitary state has the advantage of being simple in structure and less expensive than a federal state because of the absence of duplication of governmental departments and services.

(4) A unitary constitution is particularly suited for a small country with a homogeneous population such as England

Demerits of a Unitary State.

A major weakness of the unitary system is the absence of strong provincial and regional institutions and the regulation of local policies and affairs by distant and far-off authorities.

(2) Such added responsibility for local and provincial affairs places an additional burden on the central government and leads to greater red-tapism and bureaucratic administration.

(3) Central authorities often lack the necessary knowledge of local conditions and needs; and the consequence of it is that local interests suffer.

(4) A unitary state tends to suppress local initiative and discourage interest in social problems. It is unacceptable to a people accustomed to vigorous self-government and a love of local liberty.

The Federal State.

As Garner remarks, a federal state is distinguished from a unitary state is a system in which the totality of governmental power is divided or distributed by the national constitution or organic act of parliament creating it, between a central government and the governments of the individual states or other territorial sub-divisions of which the federation is composed (23:348). In the words of Hamilton, a federal state is "an association of states that forms a new one". Or, as Dicey defines it, "it is a political contrivance intended to reconcile national unity with the maintenance of state rights". It combines the respective advantages of unity and diversity.

The chief features of a Federation are :—

(1) The existence of one state, but many governments.

(2) A formal division or distribution of governmental powers between the central and state or provincial governments.

(3) A written constitution which is supreme.

(4) The ultra vires of any law of the state or central legislature or

any act of government which is contrary to the constitution. The setting up of a Supreme or Federal Court to decide cases, such a court often being known as "the guardian of the constitution".

(5) Comparative rigidity of the federal constitution in order to prevent hasty and ill-digested legislation.

(6) The derivation of state or provincial authority not from the central government, but directly from the constitution.

K.C. Wheare considers that government to be a federal government which predominantly embody "a division of powers between general and regional authorities, each of which, in its own sphere, is coordinate with the others and independent of them". (Federal Government 1963 p. 33).

Wheare considers the independence of the governments in their respective spheres as hallmark of the Federal Government. Recent opinions are that the general and regional governments are linked in a mutually interdependent political relationship; that neither level of government becomes dominant to the extent that it can dictate the decision of the other but each can influence, bargain with and persuade the other. Emphasis is thus laid on interdependence of the two levels of governments.

Dual federalism was commonly used to describe the American federal system. The Depression (1930) inaugurated the era of modern or cooperative federalism. The concept of dual federalism was current throughout the nineteenth century and referred to in the decisions of the U.S. Supreme Court. The division of the power between the federal and state governments formed the "Key to the entire concept of dual federalism", and both sets of governments had exclusive area of authority and jurisdiction. This doctrine holds no more good. The new federalism or cooperative federalism has arisen "which can be traced back to Wilson's administrations or at the latest to the second Roosevelt's". The old barriers between the federal government and the states have broken down. Separation has been replaced by cooperation. This is a major departure from the traditional system of dual federalism.

Requisites of Federation.

Historically speaking, federations have been created by the coming together of a number of small sovereign states with the object of establishing a common government either for better military or economic security, e.g., Switzerland, the U. S. A., and Australia. The Indian

federation of our day is an exception to this rule. For it has been created by breaking up a unitary state into autonomous units.

Whatever be the mode of its formation, a federation can be firmly established and continued if the following conditions exist :

(1) The desire for union. Among the people of various political units a desire to create a common government for their own common interest must exist before a federation can be created.

(2) The desire for union, but not for unity. The component units must cherish a strong desire to maintain their individual freedom in all but essentially common matters. It should not, however, be of such a nature as to swallow up individuality and lead to a unitary state.

(3) Geographical contiguity. Geographical nearness of various units desirous of forming a federation strongly favours a federation. If the units are widely separated, the desire for union cannot very well materialize.

(4) Absence of inequality among the units. No unit should be so powerful and domineering as to become the master of the joint enterprise (15).

(5) Political education of the people. It should be of very high order inasmuch as a federation demands ability on the part of the people to appreciate and reconcile loyalty to two governments. They should exhibit a willingness to obey the laws of the two governments and a particular readiness to yield to the authority of the law courts. Recent events in India in connection with the reorganization of states have shown that many in India still have too much of a provincial and parochial loyalty and too little of a national loyalty.

Distribution of Powers in a Federation.

The principle on which the distribution of governmental power takes place in a federation is that those affairs which are of national importance and which require uniformity of regulation are delegated to the central government whereas subjects which are not of common interest are left with the local governments. Generally, any one of the following three methods may be adopted in distributing the powers between the centre and the units.

(1) Powers allotted to the central government may be specifically enumerated in the constitution and all the remaining powers, with the exception of those specifically prohibited to them, may be left with States, as in the U. S. A.

(2) Just the opposite procedure may be adopted, as in the case of the Canadian federation where the powers of the State are specifically enumerated in the constitution, while the residuary powers are left with the centre.

(3) Specific powers may be assigned to the centre and the states respectively, with the residuary powers belonging to the centre, as in the Indian Union. In India, in addition to the two lists, there is a third list of subjects known as the concurrent list on which both the governments have jurisdiction. In cases of conflict the Union government is given priority. Two or more States may request the centre to frame legislation for them on certain specific matters. *Just.*

Merits of a Federation.

(1) It affords opportunity to small and weak states to unite into a powerful state without losing their independent and separate existence.

(2) By combining in it the twin advantages of national unity and local independence, a federation becomes particularly valuable to big states with vast population and with racial, cultural, and linguistic diversities.

(3) In such a state only a federal system can maintain an equilibrium between centripetal and centrifugal forces. For a country like India with its linguism, provincialism and casteism, federation has a special value.

(4) Federation makes it possible for a uniformity of policy, legislation and administration where it is necessary and for diversity where such diversity is desirable.

(5) Federation is the best system of government for trying out political, social, and economic experiments. In India, prohibition and several other social and economic schemes are being tried out in limited regions, and their results are being carefully watched and assessed.

(6) By giving local independence to the people of the units, it stimulates their interest in public affairs.

(7) On account of the distribution of powers, the central government in a federation is relieved of the burdens and congestion created by a top-heavy administration. This, in its turn, discourages red-tapism and bureaucratic administration.

(8) According to Lord Bryce, there is no danger of a despot usurping the rights of a people.

Defects inherent in the federal system.

(1) Leacock opines that "politically and on its external side it has proved itself strong, but economically and in its internal aspect it is proving itself weak". This view is untenable in view of the growing strength and economic prosperity of the U. S. A.

(2) Some writers claim that a federation is weak in the conduct of its foreign affairs. Recent experience shows that this is not true. No one can claim that the foreign policy of the U. S. A., the Soviet Union or of India is weak and vacillating.

The genuine defects of federation are :—

- (1) The diversity of legislative policy and administration.
- (2) Duplication of governmental organization, the civil service and departments ; and their complexity.
- (3) The danger of possible conflict of jurisdiction between the national and state governments.
- (4) Heavy costs of administration.
- (5) The danger of secession.

Outlining the main difficulties of federalism, particularly American, Finer says that (1) It is financially expensive since there is much duplication of administrative machinery and procedure. It is wasteful of time and expenditure. Much time is spent on negotiation. Transport, public utilities, health, employment, etc., could not be administered smoothly and economically because of the multiplicity of authorities.

(2) It is confusing to the public and has awkward results on personal rights and obligations. (The use of federal troops in Little Rock, Ark. in enforcing desegregation in schools is a case in point. It brought into sharp conflict state right and federal responsibility).

Modern Tendencies in Federal Government.

Tendency towards centralism is evident in all federal governments. The power of the central government is growing at the expense of the consequent unity of the federation. Four factors according to K C. Wheare are responsible for this development, namely war, economic depression, the growth of social services and the mechanical revolution in transport and industry. Growth of welfare and technological revolution are permanent factors. The centralising tendency, however, is counteracted by localism which finds expression in linguistic, cultural and regional loyalties. U. S. is moving swiftly towards a unified economic and social system,

coextensive with its whole territory. Inter-state commerce, agriculture, education, health, morals, labour laws, migration etc. are all coming more and more under federal regulation, with the system of federal grants-in-aid playing an important part in the process.

4. A Confederation.

Here it is proper to distinguish between a federation and confederation as the latter is also an association of states, with the difference that it is the union of sovereign states formed for realizing certain definite objects.

The chief features of a confederation are as follows :

(1) Confederating states or units retain their sovereignty. There are as many states as there are members.

(2) In a confederation there is no common government.

(3) The various units make their own laws and administer them in their respective territories.

(4) A confederation is unstable and may be broken up at any time.

(5) A confederation is the result of an agreement whereas a federation is based on a constitution.

(6) Confederating units have an international status and can establish diplomatic relations with other sovereign states, while this is not possible in a federation.

(7) If a war breaks out in a confederation it is an international war; whereas in the case of a federation it is a civil war.

(8) In a confederation the common organ established deals with the governments of the units, and not with the people; while in a federation the central government deals directly with the people.

A confederation, in the very nature of the case, is weak and unstable. Faced by a common enemy, the American States formed a confederacy in 1781 known as a "firm league of friendship". But in actual fact, in the words of Finer, it became "a league of disgruntled independents". Few and limited powers were conferred on the Congress. It had no direct power over individual. Nor could it levy direct taxes or regulate commerce.

The history of confederations in the U. S. A., Switzerland, and Germany shows that as a general rule a Federal Union follows a confederation. Experience shows that a confederation is no permanent halting place in the history of constitutions. It has either to go forward and become a federation or go backward and become a unitary state.

Presidential and Non-Presidential Forms of Government.

In the Presidential form of Government, the executive head is independent of the legislature. He is usually elected directly by the people or by a college of electors. He is not only the real executive, as against a nominal executive, but is also the ceremonial Head of State. Under certain circumstances he can be impeached, but his term cannot be shortened. He is not a member of the Legislature, but sends to it messages and recommendations. For the passing of measures he has to depend upon legislative committees and his own party men, and other legislators who sympathize with him for one reason or another. His term of office is not the same as that of the legislature. He has the power of limited veto. He can call special sessions of the legislature. The budget is prepared by his office.

Members of the Cabinet are subordinate to him. They are his personal assistants. They are not members of either house of legislature and as such not responsible to it. The legislature has a share in the making of appointments and treaties and in supervising administration. The chief executive is also the Head of Administration. He is the Supreme Commander-in-Chief and has extraordinary powers given to him in times of war or other emergencies.

In the non-Presidential system of government the nominal executive is a President or King, whereas the real executive is the Prime Minister. He as well as other members of the Cabinet are members of the legislature, a majority being from the Lower House. They are the parliamentary leaders of the party in power. They formulate national policy, initiate all important legislation including the budget, defend the acts of the Government, and stand together as a single unit. This last-mentioned feature is described as collective or joint responsibility. When an adverse vote is passed against the Government in a matter which the latter regards as important, there is no alternative left for the Government except to resign. The Prime Minister recommends to the King or President, as the case may be, the dissolution of Parliament and in consultation with him fixes the date for a new general election.

In relation to his colleagues, the Prime Minister has been "the first among equals". But the stress and strain of modern times has made him more than that, but less than dictator. Members of the Cabinet are also heads of administrative departments, although there is room for some who have no administrative responsibility.

In Italy the Cabinet is responsible to both Houses which makes

it weak. In Britain and India the responsibility is only to the Lower House.

The Collegiate or plural type of executive is what prevails in Switzerland, Uruguay, and Soviet Russia. In Switzerland the Federal Council is completely subordinate to the National Parliament and acts as its agent. In Soviet Russia, on the other hand, the presidium enjoys complete authority over the legislature.

Democratic and Dictatorial Governments :

Monarchies of the functioning kind are practically out of the picture today. Where monarchies still exist, limited monarchy is the order of the day. Even Japan and Iran have only constitutional monarchies. More and more countries are joining the ranks of democracies, however defectively they may function.

Since the close of World War I several countries have witnessed dictatorship of one kind or another. Even today Spain and Portugal have a dictatorship of the right. The communist countries in general are under a dictatorship of the left. The Latin American States in general have one form of dictatorship or another. During the last few years Indonesia, Pakistan, the United Arab Republic, and Iraq swung to the side of dictatorships, and sometimes with good results.

Underlying modern dictatorships is a distrust of democracies and a belief that quick results in government could be attained through the rule of a single dictator assisted by a body of consecrated men and women dedicated to the service of the State. Mussolini and his followers as well as Hitler and his followers referred to themselves as the *elite*. In Soviet Russia and countries following the Soviet system the party in general and the top ones of the party in particular constitute the *elite*. While at times they may act tyrannically and sometimes in their own self-interest, their main aim is the strengthening and glorification of their own countries. Dictatorship at times may be a temporary cure for the ills of democracy, but never a permanent cure.

FORMS OF GOVERNMENT ACCORDING TO LASKI

Economic Basis of Political System :

There is a saying of the French utopian socialist Saint-Simon, which Laski quotes with approval at several places, that "the law

which constitutes the powers and the form of government is less important and has less influence on the happiness of nations than that which constitutes property and decides its use."¹ Accepting the truth of this contention, Laski attaches greater importance to the economic structure than to political forms because he regards the latter simply as super-structures of the former. In fact, he has never made any attempt to classify the forms of government as other political thinkers from Aristotle onwards have usually done. The reason is, it appears, that he probably considered such classification as devoid of any practical significance.

The traditional classification of governments into monarchical, aristocratic and democratic forms has no meaning for Laski except in terms of property-relations which they maintain. He is concerned with the socio-economic foundations of a government rather than with its political super-structure. The content of government is always more important than the form in which that content is expressed. The civic politics of ancient Greece adopted various constitutional forms verging from despotic governments to direct democracy. Yet all of them remained just so many versions of an oligarchical rule of the slave-owners over the slaving masses. The modern capitalist states have similarly ranged from absolute monarchies to representative democracies, and yet all of them have uniformly signified an oligarchical government of the bourgeoisie over the proletariat (127 : 24-27, 29-35).

The Rise of the Middle Class :

In "The Rise of European Liberalism" Laski has made an important analysis of the various forms of government which have come into existence in the wake of the rise of the middle class to economic ascendancy. "In the period between the Reformation and the French Revolution", he says, "a new social class established its title to a full share in the control of the state... ..To achieve its ends, it effected a fundamental change in the legal relationships of men... The control of politics by an aristocracy whose authority was built upon the tenure of land came to be shared with men whose influence was derived solely from the ownership of movable capital. The

1. For example, Laski has quoted it in his "Rise of European Liberalism", the concluding Chapter, p. 242-3 and again in his "Parliamentary Government in England", Introductory Chapter, p. 22.

banker, the trader, the manufacturer, began to replace the land-owner, the ecclesiastic, and the warrior, as the types of predominant social influence" (132 : 11).

Class Character of Absolute Monarchy :

Analysing the nature of absolute monarchies of the sixteenth century in Europe, Laski says that these monarchical governments were based on the alliance of the ruling monarch with the merchants and manufacturers. "The sixteenth century prince is allowed wide powers", he points out, "because, the greater his authority, the better the chance of the economic revival which conflict hinders. And none are so eager for peace as the new merchants. It is their alliance with the monarchies that is most helpful in extinguishing the effort of the great feudatories to retain some vestige of independent authority. The rising bourgeoisie sees in a strong central authority the best guarantee of its own survival, the best hope of its own prosperity. The princes recognized the value of that alliance; and their legislation is, in large part, a deliberate effort to establish the conditions the bourgeoisie requires. The greater the wealth the bourgeoisie can attain, the more powerful will be the state. The prince should encourage and protect manufactures, give them peace and a cheap and rapid justice, a disciplined working-class schooled to work" (132 : 81).

Feudal and Bourgeois Monarchies :

But Laski emphasises that this type of absolute monarchy has merely curbed the power of the landed aristocracy in the interest of the bourgeoisie without eliminating it completely. The new bourgeois monarchy differs from the old feudal monarchy in some significant respects. In the first place, the private armies of the nobles are suppressed and a national army is created. The political power is now concentrated in a central government and the authority of its executive officers and judges replaces the more or less autonomous authority of the nobles. A certain degree of separation between the state and the church is brought about with an increasing emphasis on the secular nature of government. The representatives of the new middle class are now associated by the monarch with the work of administration, who act as ministers, officers, and judges replacing the priests and landlords in a gradual manner.

But the creation of an absolute monarchy was only a stage in the

process of the advance of the middle class towards the final and total capture of the state apparatus. It was essentially based on a compromise between the declining power of the nobility and the rising prestige of the bourgeoisie which in itself shows its inherent instability. "The rising bourgeoisie," says Laski, "adapts, first, religion, then culture, to its purposes; the state is the last of its conquests... It makes of the state first ally, then enemy, in the pursuit of its objectives... That means a century and a half of warfare during which the Crown and middle class in partnership make a new discipline to replace the old. At this stage, the bourgeoisie is not ready for a total redefinition of legal relationships. The Crown is strong; the land-owning aristocracy is strong; the traditional belief in regulation is still implicit in all the major social experience. It is only when the new order of things has firmly established its foundations, when freedom in the economic sphere seems an obvious inference from its attainment elsewhere that the bourgeois moves to the final assault. He has then supreme coercive power in his hands. The chief use of the state to him is merely as a police agency. He bids it keep outside that realm of economic action he now proposes to exploit on his own terms" (132 : 145).

Class Origin of the Democratic Republic :

What does this final assault on the state signify? It signifies that the middle class now wants to replace the absolute monarchy by a constitutional monarchy or a democratic republic to secure greater freedom and power for itself. This is the meaning of the English Revolution of the seventeenth century and the French Revolution in the eighteenth century. The establishment of constitutional monarchies and democratic republics implies that the middle class has now taken over all effective channels of government. It organises itself into political parties, sends its representatives to legislative assemblies, exercises executive power through responsible cabinets, delivers justice through its loyal henchmen in the courts, and carries out the smallest details of public administration with the help of a faithful and subservient bureaucracy.

Executive Responsibility to Legislature :

In Europe the form of government which a constitutional monarchy or a democratic republic usually adopts is known as the parliamentary type of government, which is based on the idea of a conciliar

executive collectively responsible to an elected legislature. In "Parliamentary Government in England", Laski has tried to analyse the nature of parliamentary democracy as practised in England. In the marriage between capitalism and democracy," he points out, "which has given us our system of parliamentary government, the capitalism is more important than the democracy because the relations of property that it imposes give to the democracy its constitutive principle. The democracy cannot deny that principle without, as it were, dissolving the marriage that has given it birth. It may survive the dissolution, but that will be on the condition only that it is a divorce by consent" (130 : 68).

Capitalist Basis of Parliamentary System :

Thus he argues that the constitutive principle of the British parliamentary system has been its capitalist basis. In "Democracy in Crisis", Laski explains the economic basis of capitalist democracy in a lucid way. "Political democracy", he rightly says, "developed in response to the demand for the abrogation of privilege. In modern European history its cause was the liberation of a commercial middle class from domination by a land-holding aristocracy. To free itself, that middle class formulated a body of liberal generalisations which culminated in the widespread grant of universal suffrage. Their underlying philosophy was the well-known Benthamite argument, that since each man in a political democracy was to count for one, and not more than one, and since each was, on the whole, the best judge of his own interest, universal suffrage would permit the translation of the majority will into the substance of legislation. The flaw in the argument was an obvious one. It assumed the absolute validity of the form of the political state regardless of the economic character of the society it was supposed to represent. It did not see that each economic regime give birth to a political order which represents the interests of those who dominate the regime, who possess in it the essential instruments of economic power In a capitalist society, quite similarly, sovereignty belonged to the owners of capital. It is in the perspective of these general truth that the history of parliamentary democracy must be set" (126 : 49). This clearly reveals Laski's view of the parliamentary democracy as a bulwark of capitalism.

Capitalist Democracy in America :

His analysis of the American form of government follows a similar

pattern. Despite the difference in the organisation of the political institutions, the political democracy in the United States manifests the same characteristic as it does in England. "Ever since its emergence as an independent political community", says Laski, "America has been a political democracy; and the idea of majority rule through representative institutions has been deeply embedded in its tradition. But we must be careful not to embody in the idea of this political democracy more than it in fact implies. It is essentially a democracy of the middle class, which assumes, though it does not announce, the authority of wealth, and has been careful, throughout its history, not to permit its informing idea to jeopardize the claims that men of property invariably put forward as the boundaries beyond which democracy may not pass... The forms of political democracy obscured, but did not conceal, the fact that they were being based on an economic foundation which was growingly oligarchical in character" (121 : 17).

It is evident from this analysis that Laski regards democratic government both in its European and American forms as the expression of the capitalist way of life which is equally reflected in the organisation of its political parties and in the working of its legislative, judicial and executive organs. The constitutional fabric of a capitalist democracy always remains a defence mechanism for protection of the vested interests of the property-owners. The fundamental rights are defined in such a way as to emphasize the basic bourgeois right of the possession of private property.

Distinction between Fascist and Communist Forms of Dictatorship :

In his comments upon totalitarian governments, Laski equally insists that we must judge them on the basis of the class relations which they maintain. He condemns a fascist government absolutely because it prefers dictatorship to democracy as a form of government and uses its dictatorial authority to maintain the capitalist way of life. His condemnation of a communist government is qualified by his partial appreciation of the social purposes for which that dictatorship is exercised, as the goal of a communist dictatorship is the creation of classless society on a socialist basis. Laski stands for a redefinition of class-relations in the existing legal order but is equally insistent that this transformation should be brought about without jeopardizing the form of political democracy.

Socialist Democracy as Laski's Ideal :

Economic considerations apart, Laski prefers a parliamentary system with a single chamber to other forms of government. In his comments upon the English monarchy, he also doubts the constitutional neutrality of a hereditary monarch in the existing social conflict and suggests a thorough revision of his position. He also proposes the abolition of the House of Lords and considers it not only as a superfluous luxury but also as a weapon of momentous significance in the hands of the capitalist class. In fact Laski wants to remodel the political institutions of England in order to facilitate a constitutional victory of the party of socialism. He also wants to remove some of the constitutional hindrances from the path of a socialist government in power. Laski regards the American system of the checks and balances as inconvenient from the point of view of a democratic socialist and suggests the need of a stronger Presidency less dependent upon Congress in finance and foreign policy and a stronger Congress less subservient to the authority of the Supreme Court in its legislative powers.

His primary object in the constitutional reform of this type is to create favourable conditions for the working of a positive state. A socialist cabinet functioning with the support of a loyal majority in the House of Commons can bring about a greater and more rapid transformation of England into a socialist society in the absence of an obstructionist House of Lords and a recalcitrant monarch, who still remain the last two reserve powers of the conservative capitalist class in England, than would be the case if they were allowed to obstruct the process by utilizing their own accumulated prestige in favour of the vested interests of the English bourgeoisie.

ORGANIZATION OF GOVERNMENT

THE EXECUTIVE

THE EXECUTIVE plays such an important part in the modern State that very often it is described by the inclusive term 'government'. In non-democratic States, the executive authority is all in all. Even in democratic countries it exercises much greater authority than is generally believed. Finer says that the executive is the residuary legatee in government after other claimants like Parliaments and the law courts have taken their share. It performs many functions besides the execution of laws as laid down by the legislature and interpreted by the courts.

The Nominal Executive. It is usual to distinguish three aspects of the executive. These are the nominal or ornamental executive, the political executive, and the permanent executive. In England, the nominal executive is the monarch, the political executive is the Prime Minister and his Cabinet, while the permanent executive is the administration. In the self-governing British Dominions it is the same, except for the fact that the king is represented by the Governor-General. In the United States the line of demarcation is not so clear. The president is the chief of State as well as the political executive and performs several administrative functions in addition. Several of the appointments which he makes are limited to his term of office.

In countries where the parliamentary system of government prevails, the nominal executive has little to do with the actual governance of the country. While government is carried on in his name, all his acts have to be countersigned by a minister, who is responsible to the cabinet, to the legislature, and to the people at large. Many of the functions performed by the nominal executive are ceremonial in character, as in the case of the King of England. He summons Parliament, prorogues and dissolves it, but all this is done in accordance with the arrangements made by the ministry of the day. The king is a titular sovereign. He reigns, but does not

govern. It is true that he does play some part in the choice of the Prime Minister, especially when there is more than one recognized leader of a party or when no party has an absolute majority in the lower house. But even here his discretion is restricted to narrow limits. His constitutional rights are, in the words of Bagehot, 'the right to be consulted, the right to encourage, and the right to warn'. As far as the British Empire (and now the Commonwealth countries) are concerned, he is the visible symbol of unity and the most important link which holds together countries and peoples scattered over the different parts of the world.

The nominal executive in France up to the Fifth Republic was the President, who was elected for a term of 7 years by the two houses of legislature sitting together for the purpose. In theory he had all the powers of the American President except the veto, as well as many powers which belong to the king in England. But in actual practice he neither reigned nor governed. As has been well said, he was a prisoner in an iron cage. Every act of his had to be counter-signed by a minister, who in turn was dependent on parliament.

Under the Fifth Republic the President is elected for seven years by an electoral college consisting of members of Parliament, the General Council and Assemblies of the Overseas Territories and the elected representatives of the Municipal Councils.

It is his duty to see that the Constitution is respected. He appoints the Prime Minister and other ministers on his advice. He presides over the Council of Ministers and promulgates laws. He signs the ordinances and decrees decided upon in the Council of Ministers. He may ask Parliament to reconsider any of the clauses of the law, which Parliament cannot refuse. Certain types of bills he may submit to a referendum. He may dissolve Parliament not more than once a year after consulting the Premier and the Presidents of the Assemblies. He enjoys many other powers not only in theory but in practice.

The nominal executive in Germany under the Weimar Constitution was the President. He was elected by the people who also had the power to recall him. He was given wider powers than those enjoyed by the French President before the Fifth Republic. He could submit to a popular referendum bills passed by the Reichstag but which did not meet with his approval. He had no power of veto. He could also declare a state of siege, suspend various constitutional rights of the citizen, and govern virtually as a dictator. Whereas in

France the President before the Fifth Republic could dissolve the lower house only with the consent of the Senate, the German President could do it on his own authority.

Under the present constitution for the Federal Republic (Western Germany) the Federal President is elected, without debate, by the Federal Convention. The Federal President thus is not elected directly by the people as under the Weimar Constitution, but, as in France, by a joint parliamentary body consisting of the members of the Bundestag and an equal number of the members elected by the Laender.

The Political Executive. Turning from the nominal to the political executive, we find at least four distinct forms, viz., the English, the American, the Swiss, and the French. In England, the Prime Minister and the Cabinet constitute the political executive. They can remain in office only so long as they command the confidence of Parliament. They are members of one or the other house of the legislature and play a leading part in initiating legislation. They are also administrative heads of departments and, in that capacity, are responsible to Parliament not only for policy but also for the details of administration. They work together as a team and, in their relation to Parliament, stand or fall together. The Prime Minister is not the master of his Cabinet. In this respect he is quite unlike the American President. He is the first among equals and is responsible to the king and country for the work of the Cabinet as a whole. It is his business to act alone or with the other members and to make the necessary adjustments. The complex conditions of the world today make it necessary for the Prime Minister to assume more and more responsibility. From this point of view it may be said that he is more than *primus inter pares*, but less than a dictator.

The British system of government works for smoothness and harmony between the executive and the legislature. By their personal day-to-day contact with parliament and their responsibility to it, the Cabinet ministers are kept in the strait and narrow path. Whatever praise or blame they deserve is administered to them at the time it is deserved, although the general election is the real testing time. Parliament in turn cannot afford to be irresponsible because the Cabinet can always threaten it with dissolution before its normal term of five years is over and can actually carry it out. In spite of all these merits, what we find in actual practice is that when the party in power has an overwhelming majority in the Commons, it

tends to become indifferent to the criticism of the Opposition and to public opinion in general. It even becomes lethargic and self-satisfied resting on its oars.

Summing up the importance of the British Cabinet, *Finer* writes : 'On the whole . . . the British Cabinet system offers quick, vigorous, thoughtful and responsible leadership ; it is controlled, but not stultified ; threatened but not executed ; questioned, but not mistrusted ; politically partisan, but not personally malicious ; restrained as much by the spirit of responsible power as by its institutions and sanctions ; and Janus-like, it looks at once to the people and to the Senate' (20 : 994).

In the American system of government, the President is the political as well as the ornamental executive. Even today in form he is elected by a body of electors representing the various states in the Union. In actual practice, however, he is popularly elected. His term of office is four years, and he cannot be removed before that time except for treason. He is *not* a member of the Legislature, and so whatever legislative programme he wishes to carry through he can do only with the help of individual legislators or committees of Congress. He also sends periodical messages to Congress outlining his policy and legislative programme. In the nature of the case, this is an unsatisfactory method, and is conducive to lack of harmony and friction between the executive and the legislature. The President is almost entirely independent of the legislature. He possesses the power of suspensive veto, which is not used unless there is reason to think that there is popular support behind the action of the President. When the party which has the majority in the legislature happens to be different from the party to which the President belongs, there is endless trouble as under President Truman in 1946. Good measures are at times thrown out by the legislature in order to discredit the President.

The President nominates his own Cabinet members who are directly responsible to him and not to Congress. They are not members of the legislature, and as such their responsibility is to the President alone. In the absence of parliamentary questions and answers or interpellations, which are a prompt and effective way of checking administrative irregularity and of eliciting information on matters of current importance, the American Congress depends upon resolutions of enquiry, which are a round about way of securing the desired end.

In spite of the fact that the President's power is somewhat weakened on account of his lack of contact with the legislature, he is one of the strongest political officers in the world. Wilson considered the office to be almost unlimited in its influence. As the executive or administrative head of the government, as the leader of his political party, and as the guide of the nation in legislation and policy-framing, the President enjoys wide powers and influence. He is the only one who can be regarded as the spokesman of his country and the platform from which he can address the country is the national platform. In times of emergency he is given wide powers.

The Swiss executive is indeed of a very unique kind. It consists of a board or council of 7 members elected for a fixed term of three years by the two houses sitting together. It is controlled by the legislature, and there is no question of resigning because of 'no-confidence' motion or vote of censure. If the legislature does not approve of the policy or measures of the Council, the Council makes the necessary adjustment and goes on with its work. It is not a party government and there is no prime minister at the head of it. One of the seven is elected annually as the president. He is only a chairman and is not the 'first among equals' as the British Prime Minister. He has no more power than his colleagues. He performs the ceremonial duties of the executive. The work of the Council is divided into departments and each member is in charge of a department. Since the final control of the Council does not belong to a single individual, the Swiss executive council is usually described as a collegiate or plural executive. Although a plural executive generally means lack of unity, direction, and shifting of action, the people, for long accustomed to plural executive in their cantons, have made a success of the Council. Besides, the Swiss temperament does not run along strong party lines.

In France before the Fifth Republic, the executive was a parliamentary executive. On account of the group system it was almost always a coalition of some kind and was more dependent on the legislature than is the British Cabinet. The French ministers had the right of entry to both Chambers and could speak in either. French ministries were notoriously unstable, the average life of a ministry between 1878 and 1928 being nine and a half months. In the words of *Finer* there was no ministry in France ; there was only a collection of ministers. And these had no real administrative control on account

of their precarious tenure. The commissions played a large, and even a rival part in the legislative, financial, and administrative work of government. The Council of Ministers presided over by the President deliberated on *policy*, while the Cabinet presided over by the Prime Minister deliberated on *tactics* (20 : 1063). All of this has now been changed and the President of the Fifth Republic is all in all. He has a firm grip on the government and the ministers are subordinate to him.

The Governor-General of India and Governors of the Indian Provinces under the 1935 constitution were in a totally different category from their counterparts in the British Dominions. They were far from being nominal executives, possessing as they did special powers which they could exercise at their discretion or individual judgment, in addition to being the custodians of the interests of certain classes of peoples and of public officials.

Mr. S. Srinivasa Iyengar advocated a non-party political executive for India, elected by the legislature. In recent months Mr. Jayaprakash Narayan has revived the idea. Some others have wanted an executive representative of the different parties in the legislature. In our judgement, neither a non-party nor an all-party executive will really be a satisfactory solution. An all-party executive will mean continuous conflict and friction both within the Cabinet and outside. It will mean lack of unity and cohesion, vacillation, and constant wrangling. As for a non-party executive, it seems to be outside the range of practical politics. Accustomed as we are to British parliamentary tradition, the safe course will be not to launch upon untried and novel experiments. A non-party executive can well function in a country where there is a high degree of public political education, and where people are well-disciplined and leaders do not hanker after positions. It is needless to say that none of these conditions is widely prevalent in India at present.

THE CABINET, PARLIAMENTARY OR RESPONSIBLE EXECUTIVE

This may be defined as a system of government in which the real executive, *i. e.*, the ministry or the Cabinet is legally and directly answerable to the legislature for all its acts of omission and commission and through it to the electorate, while the nominal executive occupies a position of complete irresponsibility.

The chief characteristics of a cabinet executive are :—

(1) *A nominal head.* In a cabinet government a clear distinction

is made between the nominal head who may be either hereditary or elected and the real executive. The former possesses only nominal powers.

(2) *The real executive.* The popularly elected ministry is the real executive and shoulders the responsibility for all official acts. It guides and supervises administration.

(3) *Political homogeneity.* All the members of the ministry or the Cabinet are normally members of the same political party, generally the one having a majority in the legislature. Exceptions are made in times of emergency or in the case of exceptional individuals. A coalition ministry naturally draws its membership from the various parties making the coalition.

(4) *Collective responsibility.* This means that all policy decisions are collectively taken. All the ministers sink or swim together. For the blunders of a finance minister, for example, a capable war minister will have to resign along with others if they forfeit the confidence of the legislature.

(5) *Ministerial responsibility.* The ministry is responsible to the legislature for all its acts. It can remain in office only so long as it enjoys the confidence of the legislature. This responsibility is made effective by requiring that all ministers must be members of one or the other house of parliament. This provision brings about harmony and co-operation between the legislative and executive organs in a Cabinet system of government.

(6) *The Prime Minister as Leader.* As the leader of the majority party, the Prime Minister supervises and co-ordinates the work of the ministry. Though *primus inter pares* (the first among equals), he is the real chief executive. As has been rightly said, "he is central to its (ministry's) birth, central to its life, and central to its death."

The Merits of a Cabinet type of Executive.

(1) It ensures harmony between the legislature and the executive and thus avoids deadlocks and the working at cross purposes.

(2) It is flexible and elastic, for, under this system the legislature can "choose a ruler for the occasion." (Bagehot).

(3) It recognized the ultimate sovereignty of the people since the ministers, through their responsibility to the people's representative in parliament, keep their fingers on the pulse of the electorate.

(4) It has a high executive value as it cannot succeed without

organized political parties. The party system, the election process, and propaganda make people politically conscious.

Demerits of the Cabinet System.

(1) The cabinet system violates the theory of the separation of powers.

(2) Sidgwick, among others, is of the view that ministers are distracted from their executive duties by the amount of legislative work imposed upon them.

(3) The Cabinet system of government is said to be unstable since its term of office depends upon the mood of the legislature. Due to the growing strength and consolidation of individual political parties, however, this defect has been minimized.

(4) Opposition parties too frequently oppose every move by the ruling party just for the sake of opposition.

(5) The Cabinet system of government is said to be a government by amateurs, which is another way of saying that it is inefficient.

(6) With the growth of the party system and its rigid party discipline, it tends to reduce cabinet government to a mere party government.

(7) The Cabinet system lacks promptness and vigour in taking immediate action in times of emergency.

THE PRESIDENTIAL EXECUTIVE

The Presidential system of government is that in which the executive is constitutionally independent of the legislature in respect of the duration of its tenure and irresponsible to it for its political policies. In such a system—

(1) The chief executive is not merely the titular head, but he is the real executive and wields all the powers granted to him by the constitution.

(2) He is the elected representative of the people and his office goes by the calendar. He cannot be removed from office with the same ease with which a Prime Minister can be removed, impeachment being a difficult process.

(3) He is neither dependent on the legislature nor is responsible to it.

(4) There is a complete separation of powers between the three branches of government.

(5) The executive and the legislative organs do not always cooperate. There is often a friction between the two as members of the executive are not members of the legislature.

(6) The legislature cannot be dissolved.

Merits of the Presidential system of government.

(1) Without being responsible it retains a representative character.

(2) The President being elected for a fixed term with the possibility of being re-elected there is a continuity of policy and a great sense of stability.

(3) There being a single individual armed with all powers, there is vigour in action and promptness of decision.

(4) The Presidential system is of great advantage to states with diverse interests, cultures and the like.

(5) Ministers are not obliged to put in constant attendance in the legislature and, therefore, have more time for departmental duties.

(6) Legislatures are likely to be less dominated by party discipline.

Demerits of the Presidential System.

(1) Esmain says that the system appears to be autocratic, irresponsible, and dangerous because the president is empowered to act more or less as he pleases, although within the limits of the constitution.

(2) The executive lacking initiative in legislation leads to the dissipation of energy. Deadlocks between the legislature and the executive become the order of the day.

(3) The existence of multiple committee system in the legislature, says Bryce, results in delay, confusion, and working at cross purposes.

(4) Bryce further says that "the separation of powers has turned out in practice to be the forcible disjunction of things naturally connected."

(5) The presidential system of government leaves more to chance than does the Cabinet system.

(6) The presidential executive is inelastic as government must be carried on according to constitutional provisions.

SINGLE AND PLURAL EXECUTIVE

It is agreed by all reputed thinkers that a single executive is preferable to a plural executive. As Napoleon has well said, one bad

general is better than two good ones. In ancient Athens, the executive power was broken up into fragments. The Romans for a long time had two consuls with no clear division of powers between them so that one could veto the actions of the other. In modern times, Switzerland alone has a plural executive, but even there, one does not find an overlapping of powers and functions among the members of the executive council. The Commission form of municipal government in the United States, which divides responsibility among the commissioners, is being replaced by the City Manager type, where there is one strong city administrator.

Plurality in the executive means a division of responsibility. It tends to conceal faults and militates against promptness of decision and singleness of purpose. It lacks unity and energy. In its favour it may be said that it is a check upon the abuse of power and the possibility of a *coup d'etat*. It may also bring to the service of the State a higher degree of ability than is possible under the single executive. But the fact that it lacks unity, directness, and swiftness of action is enough to condemn it. It is possible, however, to combine the principles of single and plural executive. Modern administration is so complex that no individual, however gifted he may be, can be an expert in every branch of administration. What is wanted is responsibility at different levels of administration working up to a single executive at the top.

TENURE OF EXECUTIVE

In the case of a hereditary executive, tenure is for life. The question concerns elected or nominated executives, whose tenures at present vary from 1 to 7 years.

Under modern conditions a short tenure of one to two years is worse than useless. It is detrimental to a continuity of policy. The executive is not given enough time to gain experience or to plan in a large way and execute big schemes. Frequent elections have a disturbing effect on public life. Very often they lead to abuse and corruption. The executive is placed at the mercy of the people, especially when it is entitled to seek re-election. It becomes weak and vacillating and is afraid to act boldly and independently.

A period of 7 years is, on the other hand, too long a period for an elected executive, even for a nominal or ornamental executive. For political executives as well as for many nominal executives a

period of four to five years seems to be the proper duration. It is interesting to note that among the framers of the American constitution, Hamilton advocated good behaviour for the President.

Whether the chief executive should be eligible to succeed himself is a debated question. In the U. S. A., according to convention, the President is eligible for re-election only once, but this convention was set aside by the election of President Roosevelt to four consecutive terms. The present constitutional arrangement is that no President can be re-elected more than once continuously. In favour of re-election it may be said that 'it secures the continuance of good policy'. Against it, it is said that it leads to pandering to the public, the executive being too timid to act independently.

POWERS AND FUNCTIONS OF THE EXECUTIVE

The legislature expresses the will of the state, and the executive carries it out. Garner classifies the powers of the executive under five heads. These are the diplomatic power, the administrative power, the military power, the judicial power, and the legislative power.

(1) The diplomatic power includes the conduct of foreign relations. The executive appoints diplomatic representatives to foreign States and receives representatives from them. This latter power is construed to mean the right to recognize or the refusal to recognize the independence of foreign States and their governments.

Treaties and other international agreements are concluded by the executive alone or in conjunction with one or both houses of legislature. In order to secure secrecy, the legislature is kept out of the negotiations, at least in the early stages.

In Great Britain even today the treaty-making power is largely in the hands of the executive. Parliament has no share in it except 'where legislation may be necessary to perfect the treaty or carry it into effect.' The executive both negotiates and concludes treaties. In many of the other States ratification by the legislature is required. In the United States certain classes of international agreements, such as reciprocal trade agreements, may be concluded on the authority of the President alone. As regards other treaties, the rule is that they should be ratified by the Senate. This power has been interpreted by the Senate to mean not only the right to ratify or reject the draft submitted to it, but also to amend it. The House of Representatives has only an indirect share in treaty-making through the power of the purse. It may refuse to sanction the appropriations

necessary to put the terms of a treaty into operation. It may also refuse assent to treaties which deal with the regulation of foreign commerce. In Switzerland, provision has been made for submission to popular referendum of treaties of more than 15 years' duration.

(2) The administrative power means the execution of the laws and the administration of the government. In some countries this latter power is exercised in a detailed manner, and in others in a general way. It includes financial, commercial, agricultural, and educational administration. In France, a useful distinction is made between the *political* or governmental functions of the executive and the purely *administrative* functions. In many states appointments made by the executive are to be ratified by one or other of the two Houses. In the United States they require ratification by the Senate, but the President alone has the power of dismissal. In the states, cities, and counties of the United States many public offices are filled by popular election. In Switzerland, on the other hand, choice by the legislature is a common practice.

As for the power of direction, we find that it varies in different States, and sometimes in the same State itself. In countries where the monarchical tradition has persisted, the power of the ministry is very great. In the United States the President's power of direction is often restricted by legislative acts. He has, however, the power to issue instructions and orders to departmental heads. In Great Britain, the permanent civil service works in close contact with the ministry.

(3) *The Military Power.* In countries with a monarchical tradition like England, the military power of the executive includes the right to declare war. In the United States, Congress alone can declare war, but in the conducting of foreign relations the President may bring the country to such a pass that declaration of war becomes inevitable. The President has the supreme command of the army, navy and air forces. In times of emergency he may declare martial law and suspend the constitutional right of citizens, including such an important right as the writ of *habeas corpus*. He can suppress newspapers. During World War II a series of Congressional Acts practically gave him dictatorial powers. Similar powers were conferred upon the executives of other belligerent countries too.

(4) *The Judicial Power.* One of the important powers of the executive under this head is the right of pardon or clemency. Montesquieu considered it as quite out of place in republics. In Great Britain this power is exercised by the Crown on the advice of the

Home Secretary. The American President has the power of pardon before as well as after conviction. He can remit fines and forfeitures, grant reprieves and commutations, and exercise the right of amnesty to large numbers of persons convicted of crime.

Under a democratic constitution departments of government acting under the general supervision of the executive are given wide powers of a semi-judicial character. Thus the Ministry of Health in England in the exercise of its administrative functions can impose fines, recover costs, and the like. More and more states today are abolishing capital punishment.

(5) *The Legislative Power.* In all constitutions, both the legislature and executive have control over each other. In parliamentary countries the executive has the power to summon, open, adjourn and prorogue sessions of the legislature. This power of the executive is limited in the presidential system of government, where regular sessions of the legislature meet automatically. In parliamentary constitutions the executive has the power to dissolve the legislature and call for new elections; it also has a ceremonial opening. All this is found lacking in the presidential form.

The power of the executive in the sphere of legislation is strictly limited in countries with the presidential system of government. It 'consists in furnishing the legislature with information concerning the legislative needs of the country; in recommending measures for its consideration; sometimes, though rarely, in the initiation of legislative projects, in approving or disapproving its acts and in promulgating those which are approved' (23 : 726).

An extraordinary power of the executive in the presidential system is the power of veto. In the United States it is a suspensive veto, which can be over-ridden by a 2/3rds vote of each house. It is considered to be a check on hasty and ill-digested legislation. In declaring his veto, the President is required to state his reasons for dissent, and the legislature is given an opportunity to reconsider its decision.

In most modern States the executive is given the power of subordinate legislation known as the Ordinance power. This power takes the form of decrees, orders, rules and regulations, some of which require parliamentary approval. The usual qualification in the exercise of this power is that it should not modify or suspend statutory law but should be calculated to promote the execution of statutory law or fill in the details. Occasionally, extraordinary power

is given to the executive in times of emergency to issue regulations for securing the public safety and the defence of the realm. This power is almost unlimited. Under it the country may virtually be placed under martial law.

In the United States there is not much scope for ordinances since the Congress frames statutes in great detail. Nevertheless, there is a large number of presidential proclamations and executive orders and regulations governing the transaction of business in each of the executive departments, besides a large body of specialized rules, regulations, and instructions issued by the various departments.

In England the king no longer enjoys the inherent power of law-making by means of proclamations and ordinances. Nevertheless, the power to issue regulations may be conferred on the servants of the Crown for proper conduct of public affairs. Ordinances are made in the form of 'statutory rules and orders', and these have the same binding effect on the community as statutory laws. The filling in of details is often left to administrative departments, especially in such matters as education and public health.

Tests of a Good Executive. The tests of a good executive are promptness of decision, unity, finality, and sometimes secrecy of procedure. In the very nature of the case, the executive should be small in size. Otherwise quickness of decision and promptness of action become impossible. It is here that dictatorships score over democracies. It is a significant fact that in times of emergency the American President is given extraordinary powers. In England a War Cabinet of six was formed to ensure promptness of decision and action.

Immunity of the Executive. Immunity of the executive from judicial process is considered necessary in the interest of good government. In England the theory is 'the king can do no wrong'. The American President is not subject to the jurisdiction of the ordinary courts during his term of office. For his criminal acts the Senate may try him, acting as a court of impeachment, and remove him from office, if found guilty. After that he may be tried for criminal acts by the ordinary courts. During the term of office the President cannot be arrested or compelled to appear in person before a court or obey any judicial process.

THE CIVIL SERVICE

The Civil Service constitutes the permanent executive in the modern

State. While the Parliament, the Cabinet, and the President may reign, it is the civil service which really governs.

1. Definition and history Doctrines of popular sovereignty, Parliamentary supremacy, and cabinet control have a theoretical value to the academic students of political science.

But the doings of administrative officials concern him as well as the ordinary citizen in his daily life and contacts.

Finer defines the civil service as 'a body of officials, permanent, paid and skilled'. All these features are essentially modern in character. For a long time, even in some of the advanced States of the world, the task of administration was performed by amateurs in the intervals of their occupations. This was the case in England up to the end of the eighteenth century, but since then public service has become a skilled profession.

In modern times Prussia has been a pioneer in organizing public services. Infinite care was bestowed in that country upon the proper methods of recruitment and training of public servants, and elaborate rules were framed to make the service as efficient and useful as possible. Even today Germany has the best system of rights and guarantees for civil servants. On the side of liabilities, it must be said that the German services still carry with them an authoritarian tradition, but everything possible was being done, until the advent of the Nazis, 'to smooth the rough edges and convert officiousness into good service'. The Bourbon kings of France did something to build up public service traditions in Europe, but appointments and dismissals remained arbitrary.

One of the finest public services in the modern world is found in England, dating from the middle to the last century. Finer describes the British Civil Service as the envy of the world. It combines 'technical efficiency and humane serviceability as no other civil service does'. In the words of Graham Wallas : 'the creation of this Service was the one great political invention in nineteenth century England'.

In its origin and development, it is a necessary counterpart to the amateurishness of the British cabinet government. In nine cases out of ten the British Cabinet Minister who is placed in charge of the administration of a department knows little or nothing of the inner working of the department. He brings to his task a fresh mind free from preconceived notions and bureaucratic inhibitions, while the civil servant brings expert technical knowledge. A combination of the two results in good government. But writers like Lord Hewart,

Ramsay Muir and C. K. Allen condemn the system saying that it makes the permanent civil service too important. According to Ramsay Muir, in legislation, administration, finance, and enunciation of policy, the body which really directs affairs, though from behind the scenes, is the civil service. He is alarmed to find that bureaucracy thrives under the cloak of ministerial responsibility.

Conditions of public service in the United States began unsatisfactorily on account of the prevalence of the 'spoils system', according to which hundreds of civil service posts were filled at the end of every presidential election by supporters of the victorious party at the polls. The person who was responsible for this policy of rotation of offices, and of giving a political colour to public offices was Andrew Jackson who, as President (1829-36), declared: 'The duties of all public officers are so plain and simple that men of intelligence may readily qualify themselves for their performance; and I cannot but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience. No one man has any more intrinsic right to official station than another'. Today, except for some top officials in some departments, all government workers are under Civil Service and much is being done to weed out party politics and nepotism.

One of the most important questions to consider in evolving a sound type of civil service is *Recruitment and training*. Till the middle of the last century, both in England and India, patronage played a dominant part.

According to the system prevalent in England and India today, recruitment for the most part is by open competition supplemented by an interview, both conducted by a Public Service Commission. For recruitment to certain departments, the competition is 'limited' as in the case of the Foreign and Diplomatic Service in England. The *viva voce* test which was established in England in 1917 is given a prominent place in all competitive examinations.

Civil servants as a rule are recruited at an early age because of the pliability and receptiveness of youth to new ideas. The Civil Service Commission in England consists of three members directly appointed by the Crown by an Order-in-Council. Similar commissions function in India both at the Union and state government levels.

While the examinations in England are designed to test general

ability, in the United States they test technical efficiency. For many appointments there is a qualifying examination, rather than a competitive examination with the result that the American Civil Service is not sought after by capable and highly educated men. For many classes of posts one does not require much more than 'the ordinary high school education, together with some practical efficiency'.

If the State is to secure the best possible service from its servants, it should provide them an adequate salary, and relieve them from the fear of insecurity and want, especially in old age.

3. Conditions of Service Security of tenure till the time of superannuation is a recognized rule in England and India. In the U.S.A., where civil service traditions are still in the making, it is not uncommon for civil servants to be on the look out for other and more lucrative posts.

Salaries for public servants in England before 1940 were low compared with the abnormally high salaries and allowances in India. The maximum pay for administrative heads in England (about 40 of them) was £3,000 a year, although many of them could easily command £10,000 a year in the City. The Indian Collector received a maximum of Rs. 2,650 per month including overseas pay. But here was a number of posts 'above the time scale'—divisional, financial, and judicial commissionerships, the posts of provincial Chief Secretary, posts of Secretaries of the Government of India, etc., the salaries for which posts ranged from £2,700 to £3,600 a year.

Besides security of tenure, adequate salary, and liberal leave privileges, the civil servant should be given a reasonable chance of promotion, work suited to his capacities, and protection in the faithful performance of his duties. In Great Britain manipulative and clerical services are distinguished from the executive and administrative services, and different types of entrance examinations are held for the two types of services. Superior services are recruited not only by direct recruitment but also by the promotion of the most capable from the lower grades. Since 1920 transfer and promotion from one department to another has been possible.

Promotion according to seniority is a sound policy for many situations. It at least saves considerable administrative inconvenience. But seniority alone is not enough. There should be opportunity for men of capacity to rise rapidly from one grade to another. Finer claims that the least amount of evil in the State service is produced by the best classification of civil servants according to

efficiency and by correlating efficiency with rises and falls in salary, promotion, demotion, and dismissal.

The civil service is a silent and anonymous service. In the nature of the case, it cannot come out in the open and defend charges made against it. Such being the case, it is necessary to give to the civil servant the necessary protection for the faithful performance of his duties. France and other continental countries, recognizing this fact, have set up special administrative courts for the trial of cases in which public officials are involved. In the English-speaking countries, on the other hand, the same system of law and the same system of courts obtain for both private wrongs and wrongs in which officials are involved, although Australia in recent years has departed from this practice.

According to *Finer*, the civil service in Germany has a well-defined body of rights accorded to it by law and by the ultimate assent of the people. There are also ways whereby the civil servant can challenge any but the smallest amount of disciplinary measures against him.

The civil service is not only a silent service ; it is also subjected to strict discipline. In England particularly it is expected to serve whichever political party may come into power with equal respect and equal earnestness. In order to attain this end, civil servants are forbidden to take an active part in public political affairs. They are not allowed to stand as candidates, although they have the right to vote as they please.

Practice varies on the question of the right of association and the right to strike which civil servants may claim. In Great Britain up to 1917, individuals and associations in the civil service could get their grievances redressed mainly by means of memorial which had to go through various hands before reaching the Head of the Department and finally the Treasury. England provides a special court for interpreting the clauses relating to the pay and working conditions of the civil servants under this category. But the final interpreter of the terms of the judgments of the courts is the Treasury. A civil servant in England has no legal sanction against his dismissal inasmuch as the ultimate interpreter of the Superannuation Rights is the Treasury, and not any law court.

If civil servants require to be protected against the public, the public in turn requires protection against the arbitrary use of authority by civil servants. Such protection is provided by a system of checks and balances, by certain legislative controls over administra-

tion, and by certain judicial controls, namely through the issue of such writs as *mandamus*, *injunction*, *habeas corpus*, *quo warranto* and *certiorari* which are orders by courts to public officers commanding them to do or not to do certain things. In this respect of affording protection to the public, Finer considers that France and Germany occupy the most enviable place, while England occupies the least enviable place, with the U. S. A. occupying somewhat of a middle position.

It is the business of civil servants to carry out the law entrusted to their care. In this respect they are literally the servants of the legislature and the supreme executive. Whatever indirect share they may have in framing policy in their personal contact with the political executive, direct share they have none, at least in fully self-governing countries.

In the nature of the work performed, the British and Indian civil servants differ fundamentally. Though a collection of experts, the British civil service does not determine the political policy of the country. That is done by the ministry of the day. The permanent Under-Secretary and his assistants give all the necessary advice and suggestion, but they do not dictate. Specialists are not consulted directly by the ministers. A weak minister may easily be led by the civil servant. But a strong man can always have his way.

The civil servant today is not a policy-maker. His chief function is to advise and administer. Practice of sound parliamentary government requires that ministers decide the policy while officials carry it out faithfully whether or not they agree with it.

Whether it be in India or elsewhere, pure administration is not the sole task of civil servants. They are given semi-legislative and semi-judicial powers. Officials of departments are empowered to make rules and regulations binding upon their subordinates and the general public. Some of these, especially in war-time take effect even before Parliament has given them its formal approval. The permanent executive fixes in detail the manner in which the requirements of parliamentary statutes are to be met and how the rights created under them are to be enjoyed. In the matter of delegated legislation, England stands midway between France and the United States. Summing up the causes for the increasing amount of delegated legislation given to administrative departments, Marriott writes: 'Partly owing to the increasing complexity of industrial and social conditions, partly under the subtle influence of Fabian Socialism, partly from the

general abandonment of the principle of *laissez faire* and the growing demand for governmental guidance and control in all the affairs of life, partly from sheer despair of the possibility of coping with the insistent cry for legislation, parliament has manifested a disposition to leave more and more discretion to administrative departments' (58 : Vol. II, 233).

Administrative departments in many countries enjoy semi-judicial functions, e.g., the Inter-States Commerce Commission in the United States. They are given the power to investigate into the truth or justice of the complaints made by the public against the official acts of their subordinates. Thus the 'Income-Tax Commissioner alone is empowered to hear complaints raised by a private individual over the assessment made by a subordinate of the Department.'

Similarly, a high official of the Industrial Department decides cases of compensation to workmen in factories for injuries sustained in the course of their work.

One further question which merits our attention in connection with the work of administration is the chaotic way in which departments and their sub-divisions have been allowed to grow. If economy and efficiency are the touchstones of sound public administration, it is necessary that departments of governments should be carefully organized so as to avoid overlapping and bring together closely-related departments under common control. Undue centralization, as in France, as well as undue decentralization, are defective. Integration offers a *via media* in that it calls for co-ordination at different levels of administration, working towards a final head.

Public administration, unlike business administration, is not a money-making concern. Its chief aim is to render service wherever it is most needed. In doing that, civil servants must be fair to everybody. They should not favour one individual or one class of individuals against another. They must be guided only by the application of equal law to everybody. They should consider themselves servants of the people in the real sense of the term. One of the charges frequently levelled against the Indian Civil Servants was that they were supercilious and overbearing in their attitude to the public. The Indian Administrative Service of today is more approachable and does not have the same degree of 'superiority complex', but is gradually moving in that direction. It is more subservient to ministers,

5. *Tests of a
Good System of
Civil Service*

deputy ministers, legislators, and politicians in general than was the case with the I.C.S.

Finer holds that the civil service should possess life, inventive power, ability to serve the needs of the population and enterprise. A besetting sin of civil servants is tendency to fall into a rut, to rise out of which they do not have the necessary disposition or strength. A certain amount of routine and red tape is no doubt essential in the management of public affairs, but it should not be allowed to occupy the foreground. Care for human values should be given the first place in all planning and execution of official tasks.

The civil servant should do everything possible to remove the attitude of fear and hostility which the public often has towards government servants in general. Speaking in general terms, Finer says : 'The public is hostile to the official, it is afraid of him, misunderstands him, occasionally admires him'.

While the administrator should act without fear or favour, he should not purposely defy public opinion because of his exalted position. In no circumstance should he usurp the powers of the political executive or of the legislature.

Communal representation was insisted upon as a condition of a good system of administration in a country like India with its rival communal groups. All that needs to be said is that public administration should not become a plaything of politicians if its honesty and efficiency are to be kept unimpaired. Other things being equal, there should be a due proportion between the strength of any one community in the country and its representation in the services. But it must be remembered that the right of the citizen to be safeguarded against inefficient and worthless officials is much greater than the right of every caste and community or linguistic group to have its mathematical percentage in the various services.

The duties of the civil servant in Germany, as stated by Finer, are :

1. The civil servant must discharge his duties in accordance with the constitution and the laws and obey the official orders of his superiors, in so far as they are not contradictory to the law.
2. He must carry out the duties of his office with the greatest sincerity and probity without regard to private advantage, with the greatest impartiality with all industry and care. He must be specially on his guard against partiality.
3. He must keep punctuality to the hours of arrival at and departure from his work.

4. Without claiming extra pay, he must be prepared to undertake additional duties or other duties to which his training and capacity fit him.
5. He must be truthful in his official doings. He must not pass over in silence important facts the disclosure of which is of concern to the department.
6. Respect for superiors is demanded, outside as well as inside the office, even when the superior is objectionable in character and demeanour.
7. In their intercourse with the public, officials must always be courteous.
8. The civil servant must not allow insults to pass unnoticed, lest the Service should suffer degradation.
9. No official may take on any additional offices or employments, other than those for which he has asked and obtained permission of the appropriate departmental authority.
10. The civil servant must observe official secrecy.

THE LEGISLATURE

Among the organs of government, especially in democratic countries, the pride of place is given to the legislature. But such has not been the case always. In the olden days, as Jenks points out, laws were not made but discovered. They were folk laws based upon the customs of the people, and it was the business of what governmental and religious authorities there were to discover these laws. As time advanced folk laws became less important, and laws took the form of ordinances or decrees issued by the executive for the maintenance of peace. These were not as permanent as folk laws and did not cover such a wide range. At a still later stage came laws by established estates which were more or less representative assemblies. Finally, there came into being parliaments and parliamentary sovereignty.

When parliaments were first summoned, the object was not to secure their help in law-making but to vote supplies for the carrying out of the king's policy. Membership in Parliament at this time was not a position of honour and influence to be coveted, but an onerous responsibility to be avoided. Soon, however, representatives in Parliament realized that before supplies could be voted they could insist upon the redressal of grievances, which a harassed king, involved in foreign wars and domestic difficulties, felt obliged to do. From

this time on began the continuous history of law-making by the legislature.

Laws made by Administrative Departments of Government

In the modern State the legislature alone does not make laws. The executive head in the United States, for example, negotiates treaties subject to ratification by two-thirds vote of the Senate. The British Parliament does not have the time or the necessary knowledge to draft all the details of every legislative measure, 'and hence what it does in several instances is to content itself with passing the broad outlines of the measure, leaving the administrative departments to fill in the details by means of administrative orders, rules and regulations. Some of these are provisional in character and require the approval of Parliament, while others do not even require this formality. 'This species of 'delegated' or 'subordinate' legislation has assumed such great dimensions that Chief Justice Hewart described administration in England by the telling title, 'the New Despotism'.

Legislation by People

Switzerland, which is the home of several novel political devices, has made experiments in direct legislation by means of the referendum and initiative, and other States such as the Commonwealth of Australia and some of the state constitutions have followed suit. Referendum simply means that a piece of legislation, after being passed by the legislature, has to be approved by a specified majority of the voters before it can become valid.

While the referendum is negative in character in that it approves or disapproves of legislative measure, the initiative is positive in that it enables the voters themselves to take the lead in law-making. According to this system a certain number of voters have to ask for legislation on a given question. They may themselves formulate the details of the legislation or give the general aim of the projected legislation to the legislature, and ask it to fill in the details. In either case it is submitted to the vote of the people and becomes effective if ratified by a majority voting at the poll.

The Plebiscite is resorted to in ascertaining the wishes of the inhabitants of a territory in transferring territory from one State to another or in creating new states. This practice has been in operation in Europe since the end of the 18th century. In 1935, the Saar region was restored to Germany as the result of a plebiscite. We

have witnessed the holding of a plebiscite in India also in recent times when in 1947 the people of the princely state of Junagadh and its tributary states were asked to indicate their choice between joining India and joining Pakistan. As a result of that plebiscite, Junagadh state was merged with India.

Reviewing the value of direct legislation as a whole, it may be said that while small areas long accustomed to free democratic institutions, like the Swiss communes and cantons, can make it a success, it is likely to do more harm than good in large countries lacking the Swiss traditions of democracy and local self-government.

The Organization of Legislature.

Both in political theory and practice the organization of the legislature has been a much-discussed question. Bi-cameral legislature is the usual practice everywhere, especially as regards the centre. In provinces and the component units of federation bi-cameralism is not uniformly found. Several of the Indian states in the new constitution possess bi-cameral legislatures.¹ England has had a bi-cameral legislature more because of historical circumstances than as a result of deliberate design.

Where there are two legislative chambers, it stands to reason that they should be organized differently, as regards both their composition and powers and functions, in order to avoid conflict and jealousy. The lower house, which is also called the popular house, is usually elected by the people themselves, and representation is on the basis of population and a wide franchise. The upper house, also known as the second chamber, usually represents interests in the community, or the states in a federation, and is usually not directly elected.

The British House of Lords is largely hereditary, and possesses larger numbers than the House of Commons. The Senate in the United States consists of 100 members, two from each of the 50 states, and has been directly elected since 1913. It is a continuous body, each member sitting for six years, one-third of the total number retiring every two years. It is one of the strongest, if not the strongest, second chambers, in the world. Second chambers in Switzerland and the Commonwealth of Australia are constituted on the same principle as the American Senate. Each of the Swiss cantons sends up

1. Recently there was a reversal in the tendency for bicameralism in India. West Bengal and U. P. Legislative Assemblies adopted resolutions for the abolition of the Legislative Council, the upper house.

two representatives and each of the six Australian States sends up six representatives to their representative federal second chambers. The Reichstag under the Weimar Constitution (1919) of Germany represented the states, as opposed to the people, both in legislation and administration, but did not give them equal representation. The French Upper Chamber known as the Senate today is indirectly elected. It ensures the representation of the territorial units of the Republic. Even Frenchmen living outside France are represented on it.

India has two chambers at the federal centre and in some of the States. The two houses of the Indian Parliament are known as the Lok Sabha (the House of the People) and the Rajya Sabha (the Council of States). The maximum number of members of the Council of States is 250, of whom 12 are appointed by the President for their distinction in the fields of art, literature, social service, etc. The rest are indirectly elected by the State legislative assemblies under a system of proportional representation. The seats are distributed according to the Fourth Schedule of the Constitution. It is a continuous chamber. Its members are elected for six years, one-third retiring every two years. There are 216 members at present including the 12 nominated.

If second chambers are necessary at all, they should be distinctive from the popular house, act independently and responsibly, and possess the necessary capacity and impartiality effectively to revise the work of the lower house.

Are Second Chambers Necessary?

It does not follow that because second chambers are virtually universal, they are indispensable. The usual reasons given in favour of second chambers are (1) that they are a useful check upon the hasty and ill-digested legislation of the lower house and (2) that in federal constitutions, they safeguard the interest of the component units. Both these arguments have been seriously questioned, and the last word on them has not yet been uttered.

Writing in the latter half of the last century, J.S. Mill feared that one house alone might become 'despotic' and 'overweening' and that a second chamber was necessary in order to prevent 'the corrupting influence of undivided power'. Sir Henry Maine went so far as to say that 'almost any second chamber is better than none', on the ground that a well-constituted second chamber provided not a 'rival

infallibility' but an 'additional security'. According to Lord Acton, a second chamber is the essential security for freedom : it provides the necessary balance of power in legislation, gives protection to the minorities, and is a good revising chamber.

From all this it would appear, as Marriott points out, that there is a singular uniformity in favour of two legislative chambers. Mr. S.S. Iyengar, on the contrary, holds that bicameralism in democracy is 'an outworn creed'. According to him, the institution of bicameralism is due to 'a hesitant faith in democracy, and a desire to conciliate minorities', and there is no valid reason why the popular will should seek two channels of expression, why democracies should speak in two voices'. In his view second chambers are retained 'to provide scope for the ambitions of party men who may not be accommodated in the first, to lessen rivalries in leadership within the party itself, and generally to enlarge the circle of party influence'. Their introduction in the Indian provinces in the past, it would seem, was to bolster up vested interests and to put a brake on the possible radical tendencies of the lower house, especially as regards landed property.

The classical argument against bicameralism was stated by Abbe Sieyès when he said : 'If a second chamber dissents from the first, it is mischievous; if it agrees with it, it is superfluous'. The fitting reply to this dilemma which so paralyzes thought is in the words of Finer : 'If the two Assemblies agree, so much the better for our belief in the wisdom and justice of the law; if they disagree, it is time for the people to reconsider their attitude'.

On theoretical grounds, there is no doubt whatever that a good case can be made out for a properly constituted second chamber. As a revising body, it can play a very useful part in legislation. On account of the nature of its composition, longer term of office, greater experience, and comparative freedom from the prejudices and passions of the popular house, it can consider measures in all their aspects in a more or less detached manner. But what practice shows is that it is likely to become a bulwark of conservatism and even of reaction in politics.

The argument that a second chamber is necessary in order to check hasty and ill-digested legislation does not strike us as weighty. The various readings of a bill, submission to special committees, consultation of the public through the press and the platform, etc., seem to be sufficient safeguards against any hasty action being taken. Besides, on most urgent reforms, to give the power of delay to the

upper house is perhaps to court disaster in the long run, and pave the way for popular revolution.

The further argument that a second chamber is a fundamental part of the federal principle can also be questioned. Matters which are purely local are dealt with by the local legislatures, and a second chamber is not necessary to protect state interests as against national interests. Taking the United States as an example, we find that the Senate has not been any less 'national', or less progressive than the House of Representatives. It is wrong to assume that one house will think only in terms of provincial or state interests and the other in terms of national interests.

To conclude, whether second chambers are necessary or not, our reply is that no uniform answer can be given which will be applicable to all cases. A great deal depends on historical antecedents. The United States and France would undoubtedly be the poorer if their Senates were abolished. Both of them have attracted to themselves men of mature wisdom and experience, who have played a notable part in law-making and policy-framing. Even Great Britain would be the poorer by the abolition of the House of Lords, which has been a reservoir of ministers, and a store-house of knowledge and administrative experience, and has made possible unhurried and dispassionate discussion of some of the great questions of the day. Canada, on the other hand, is not likely to lose much if her Senate is abolished. So far as constitution-making for the future is concerned, a second chamber should be an exception rather than the rule. In order to avoid waste, it may be provided that controversial measures should be passed twice over by the lower house, with a general election intervening if necessary, before they take effect.

Powers and Functions of the Legislature.

Law-making is not the only function of legislatures. They have to consider the budget, vote supplies, and exercise general supervision over administration. In the matter of legislation, the usual practice is to give a more important place to the lower house than to the upper. Finance bills can be introduced only in the lower house. This is the case in India too. Non-finance bills in many countries can be introduced in either house, but when there is a deadlock between the two houses, the upper house has usually to yield. In many constitutions arrangements are made for a joint sitting of the two houses or committees of the two houses, where the final decision is reached by

a specified percentage of votes; and since the popular house is almost everywhere the more numerous body, the dice is loaded in its favour.

The British Parliament is one of the most powerful legislative chambers in the world. Its powers are as wide as public opinion and the will of the electorate will tolerate. It has both constituent and legislative functions. In the United States and Switzerland, on the other hand, an elaborate machinery is set up for changing the constitution. In Australia, too, constitutional changes require a special procedure. The process of amendment in France is considerably easier than in the United States, although the procedure sounds far more complicated.

In countries where the parliamentary system of government prevails, parliament exercises control over administration through questions and answers or interpellations. Writers on public administration draw a parallel between the legislature and the board of directors of a business concern, in that both are responsible for the function of direction, supervision, and control, as against execution. In the United States it is the legislative branch of government which 'possesses the final authority to determine how the administrative branch of government shall be organized, how duties shall be distributed among the several parts, and what methods of procedure shall be employed by them.'

The legislature, particularly the upper house, also possesses a few judicial functions. Even today the Lord Chancellor, the presiding officer of the House of Lords, is the highest judicial authority in England, and, together with the six law-lords, constitutes the highest court of the realm. In the United States the Senate tries cases of impeachment preferred by the House of Representatives.

The upper house in certain countries has some executive functions. In the United States appointments of ministers, judges of the Supreme Court, ambassadors, consuls, and other such officers made by the President require ratification by the Senate. In the United States the upper chamber is exceptionally strong, enjoying almost the same power as the lower house. While the American Senate cannot initiate money bills, it can amend them. It exercises more influence in foreign affairs than does the House of Representatives. On account of its maturity of experience, longer term of tenure, its continuous nature, smaller size, connection with the political machine, and the powers conferred upon it by law, it enjoys greater reputation in the country.

LEGISLATIVE PROCEDURE

Law-making in modern times is not an easy process. It requires the service of expert draftsmen and careful consideration of the general principles of the bill, as well as the details, clause by clause. In Great Britain, a bill has to go through the first reading, second reading, committee stage, report stage, and third reading. In order to prevent the dilatory tactics of the opposition, and to save the time of the House, recourse is had to 'guillotine' and various types of closure.

Political parties and 'pressure groups' exercise much influence on the course of legislation. Candidates have to promise to support the programme and policy of their party before they are officially accepted. At times groups of voters interested in some scheme or other obtained the written promise of candidate as a condition of their support. In some constitutions, such as the state constitutions of the United States, when a legislator loses the confidence of his electorate in part or in whole, he may be obliged to stand for re-election by a protest known as recall before his term is over.

The power of parties and 'pressure groups' and of public meetings is so great today that the old question whether the representative is a mere delegate, or one who can use his discretion, has lost much of its force.

While there is no general rule regarding the circumstances when it should be obligatory for a representative to resign, it is generally agreed that he should resign and seek re-election when he changes his party, or adopts a line of conduct or policy totally opposed to the express wish of his constituency, or violates his fundamental election pledges.

Similar considerations apply also to a government in power in the parliamentary system. Finer discusses three circumstances in which dissolution is considered advisable in England :

- (1) when it is proposed to launch upon a new policy of fundamental importance as Baldwin did in 1923 when he wanted to introduce protection as a remedy for unemployment after Bonar Law (from whom Baldwin had taken the premiership) had promised at the General Election not to raise tariffs;
- (2) when a government sees convincing signs that it is no longer trusted by the country ;
- (3) when the position of parties is such as to produce a deadlock, preventing necessary legislation from being passed,

and when severe criticism makes it impossible for the government to maintain itself in power with dignity.

The Committee System

Modern legislatures do much of their work through committees. In the United States all business in Congress is done by means of committees because of the separation of the executive and the legislature. The committees deliberate in private. While both parties are represented on them, the majority party has the larger share, and the chairman belongs to that party. There is a tendency for the members of the party to act together. Members of the Cabinet are sometimes asked to appear before these committees, but their advice need not be accepted. The chairmen of some of the important committees occupy in effect the position of ministers such as the chairmen of the committees on Ways and Means and on Appropriations.

Duration of Parliament

There is no cut-and-dried answer to the question of how long parliaments should sit. In general, it may be said that the duration should be short enough to keep the representative close to the people, and long enough for the representative to gain experience, and not subject the people to frequent elections. A four-year period with the right of earlier dissolution seems best for parliamentary governments. In Great Britain the Crown dissolves parliament, but the authority for dissolving it is located in the cabinet.

As regards second chambers, leaving aside hereditary bodies, bodies which are directly or indirectly elected should not last for more than five years. Second chambers which are continuous bodies may last six years, one-third retiring every two years, as in the case in the United States and in the Rajya Sabha of India. Mr. S. S. Iyengar, quoted above, holds that no member should be eligible to be a representative of the people in any legislature more than twice, inasmuch as it leads to professionalism in politics and encourages the operation of mercenary motives. Over against this point of view something can be said for experience and continuity in office. Besides, if a person is allowed to be a representative for only two terms, that will effectively shut out the non-leisured classes, and those who look forward to an honourable career in politics. The problem is to weed out the ineffective and hopelessly selfish and docile members of the legislature.

Salary of Legislators

Most modern governments pay salaries to their legislators. Mr. S. S. Iyengar thinks that this practice of payment is pernicious on the ground that it makes many of the legislators servile to the party. They look to pay rather than to service, throwing aside their convictions for the sake of an emolument. On the other hand, it must be said that if all classes of citizens are to carry their proper share in the work of Government, payment for service rendered is the only logical principle to follow. At the same time the salary paid should not be so large as to rule out motives of selfless service.

Privileges of Legislators.

Certain privileges are usually extended to members of the legislature in all countries. In their original form they were won by the British Parliament as the result of a struggle with the king. The important privileges are freedom of speech and freedom from arrest for civil causes. Nobody can be punished for what he says on the floor of the house. This does not mean the use of unparliamentary language which is regulated by the Speaker of the House, nor does it mean endless speaking, which is restricted by rules relating to closure and 'guillotine'.

RELATION BETWEEN THE LEGISLATURE AND THE EXECUTIVE

This takes four different forms. (1) According to the British model, the cabinet is the steering committee of Parliament. It regulates the time, the policy, the law, and financial burdens of Parliament. (2) In the French model (prior to the Fifth Republic) which was also of the Parliamentary type, the cabinet was entirely dependent on the legislature even for its existence. The fate of the ministry depended upon the whims of the legislature, which had no settled principles in offering its co-operation or non-co-operation. (3) In the Swiss model the executive is non-partisan and collegiate and enjoys a fixed term. If its measures or policies are turned down by the legislature, it does not go out of office, but makes the necessary adjustments to the legislature. (4) In the American model there is no legal relationship between the President and the House of Representatives. The legislature and the executive have no vital points of contact for close co-operation, but have several points (especially as regards the Senate) where they can come into clash with each other.

THE ELECTORATE

This is the body of people in any country who have the power of vote. By the exercise of this power they make and unmake governments in the last analysis. It is only seldom that an entire country acts as a single constituency, as in former Fascist Italy. The usual practice is to divide the country into easily manageable constituencies with nearly equal population. Where a constituency is entitled to one and only one representative, it is called a single-member constituency. Constituencies sending up more than one representative are called multi-member constituencies. England and India have single-member constituencies for the most part.

In India before independence we had separate constituencies for minorities and for special interests such as commerce and the landed aristocracy, as well as University constituencies. All this was undemocratic and stood in the way of India evolving into a genuinely national and democratic State. Communalism is a survival of tribalism, and representation of special interests is a vestige of feudalism.

Representation by estates was common in several of the European countries till comparatively recent times. Political reformers in England agitated for a long time for the principle of 'one man, one vote'. In the words of J. Bentham, the prince among reformers, 'Each (was) to count for one; and nobody for more than one'. This reform has come to pass in all democratic countries, in spite of a few anomalies here and there. Plural voting existed in England until 1950 according to which a person could vote as a member of the constituency in which he lived as well as an occupier of business premises worth £ 10 a year. University graduates, too, could exercise a second vote in voting for the member for whom the constituency was entitled. The present law is, one person one vote.

Women were denied the franchise until very recent times, especially for national elections. Partly as a result of continuous and even militant agitation and partly as a result of the notable part played by them during the Great War, women above 30 secured the vote in England in 1918. In 1928 this age discrimination was abolished and both men and women were placed on the same footing. The United States extended the franchise to women by the 19th Amendment to the Constitution in 1919, and Germany provided for women franchise in the Weimar constitution. France until 1945 and Italy until 1948 refused the right of vote to women, one reason being

the fear that it might unduly strengthen the influence of the clergy on politics. Spain, another Catholic country, removed the restriction some time earlier. Soviet Russia treats both men and women alike as regards the franchise. Even foreign residents are allowed to vote. In India women enjoy the franchise for all elections on the same terms as men. In Switzerland women have acquired voting rights in national elections since January, 1971.

The extension of the franchise to women was heralded by many as inaugurating an era of purity and social justice and humanitarianism in politics. However, women as a whole have not exercised the vote any more discriminately than men. After fighting for the vote, many have failed to use it. Still, as a result of the presence of women representatives in the legislature and of the increasing interest of individual women and women's associations in the civil life of the country, greater attention is being paid to social questions and, in a country like India, to the removal of the legal and social disabilities of women and to the satisfaction of the needs of children.

The age at which a person is entitled to vote varies in different countries, the prevailing age being 21, as in Great Britain and India. Turkey and Soviet Russia enfranchise their young people at 18 when a great many are still immature. The German constitution of 1919 threw open the franchise to men and women above 20. In some countries the right to vote is not given until a person is 25. Some have argued that it is a mistake to enfranchise youth who are often irresponsible and radical in their outlook. But the prevailing opinion is that by the time youth reaches 21 he has enough knowledge of the world around him to exercise his vote intelligently. Even his alleged radicalism is not to be frowned upon in view of the preponderance of conservatism in positions of authority. Besides, youth is bound to learn by experience.

The age at which a person may contest a seat to the national legislature is usually fixed at a higher level than the age at which he can vote. Thus in the United States, Germany, and France a candidate has to be at least 25, in Japan he has to be 30. In Great Britain and Russia the same age is fixed for both candidature and voting. In India under the present constitution the qualifying age for the candidate is 25 for the House of the People (Lok Sabha) and State assemblies and 30 for the Council of States (Rajya Sabha) and State councils or upper chambers where such exist. No maximum age limit seems to be fixed anywhere. In England a candidate is not required

to be resident of the constituency from which he proposes to stand, but not so in the United States.

Modern theory and practice are in favour of universal, equal and adult suffrage. But certain classes of people in some countries are excluded—such as the insane, certified mental defectives, certain classes of criminals, paupers, and insolvents. Aliens are excluded from the franchise in all countries, except in Russia. Most countries lay down rules for the naturalization of aliens. The usual qualification is residence in the country for a period of years. In the United States each state has its own rules regarding electoral qualifications. Some states require a citizenship and literacy test in England in addition to residence. The 15th amendment to the Constitution provides that no person may be excluded from the vote merely on the ground of race or colour. But the southern states which are colour-ridden have devised several subterfuges by which to keep the Negroes out. In the South African Union the black people, who form nearly 4/5ths of the population, have no vote. The coloured (half-caste) voters were removed from the general roll in 1956. Germany, under Hitler, denied all political rights to the Jews. In several of the European countries national minorities are excluded from the vote. Certain classes of government servants such as election officers and soldiers are excluded from the vote in some countries.

Property and educational qualifications are usually insisted upon as conditions for voting. But with the advance of democracy these qualifications are fixed at as low a level as possible. The earlier theory was that only those who had 'a stake in the country', that is, propertied classes should vote. But this resulted in the creation of many vested interests and the perpetuation of much injustice. The Reform Bills of 1832 and 1867 in England fought against restrictions based on high property qualifications. Until 1919 the three-class system based upon the direct amount of taxation paid, prevailed in Prussia, according to which a voter in the first class roughly possessed four times the political power of a man belonging to the second class and sixteen times that of a member of the third class.

As regards educational qualification, simple literacy in the language of the area is considered adequate. While literacy is no doubt a great advantage, mere illiteracy ought not to be considered a serious disqualification. Political parties can do a great deal in educating the electorate. But what they actually do is to diseducate the public by giving it perverted information and by rousing its passions.

We no longer subscribe to the old theory that the right to vote implies the duty to back up one's vote by physical strength, if necessary. No one claims today that women should be excluded from the vote because they do not bear the brunt of the battlefield as much as men. Therefore, military qualification for voting is irrelevant today. Everybody has a right to good life and as such every normal person who is not an enemy of the State should have the vote.

In the view of many thinkers the right to vote is not a right which automatically belongs to every citizen. It is a privilege which can be conferred only upon those who are capable of exercising it for public good. This being so, some argue that the duty to vote is not only a moral duty but also a legal obligation. Thus we find that some of the cantons of Switzerland, Australia, Belgium and the Argentine Republic make voting compulsory. In Mexico a person who has failed to exercise his vote once without sufficient excuse is barred from voting at the next election. Compulsion in this matter, as in many other matters, is undesirable and defeats its own end. The proper remedy for non-voting is not compulsion but the stimulation of interest and the avoidance of too many and too frequent elections.

The old theory of representation was 'Community' representation. People were grouped according to classes or estates, and each class voted separately. The system which has been in vogue in modern times is territorial representation. Recently this system has come in for much criticism. It has been argued by guild socialism, syndicalism, etc., that the mere fact that people live together in a given locality does not mean that their interests are common or tend to become common. A coal-miner, for instance, is certain to have more in common with another coal-miner living fifty miles away from him than with a commercial traveller or a school master who may be his next-door neighbour. On the basis of his argument, it is said that a truer form of representation is the vocational. The system was tried in the corporative State of Italy under Mussolini. It is not at all certain that the system will work more efficiently than territorial representation. One of the chief criticisms of vocational representation is that it is not always easy to say what occupations should be recognized as entitled to representation and what amount of representation should be given to each of them. Besides, this system is likely to multiply rival interests and groups and militate against the creation and maintenance of a spirit of true citizenship. 'Neighbourhood' is just as important a factor in man's social life as

'profession'. The primary function of a legislature is not to protect the interests of rival economic groups, but to secure and advance the interests of the nation as a whole.

THEORIES OF SUFFRAGE

According to Professor Shepard¹, three theories of suffrage have prevailed at different times:—

(1) The primitive tribal theory prevailed in the city states. It regarded the right to vote as a necessary attribute of membership in the State.

(2) The feudal theory regarded suffrage as a vested right usually accompanying the ownership of land.

(3) The ethical theory regards suffrage as a necessary and essential means for the development of individual personality.

This last theory is what holds the field today. According to it, voting is a natural and inherent right of every citizen and belongs to a person by virtue of his membership in the State. It is increasingly regarded as a public office or function, without which no person can adequately exercise his citizenship.

The idea that suffrage is a public function has led to the theory that it is a public duty which every citizen may be compelled to fulfil. Accordingly, compulsory voting was created in Belgium (1893), the Netherlands (1917), and some of the Swiss cantons. The penalties imposed for failure to vote are generally light.

The system of compulsory voting has been opposed on two grounds: (1) If the electorate is made to vote for fear of punishment, the right is likely to be exercised without any regard to public good, thus lowering its character.

(2) Compulsory votes could be easily purchased. In spite of these fears, compulsory voting in Belgium has proved beneficial

Universal Suffrage.

Adult suffrage has been slow in making itself a universal law. It was first extended gradually and reluctantly to men only; and only after many years of agitation did women get the suffrage. An advanced country like England did not have women suffrage until 1918, and when it was given to them it was only to women above thirty years of age. This age disparity between men and women was

1. American Political Science Review : Supplement to Vol. VII.

set right in 1928 when all were allowed to vote at 21.¹ The triumph of the masses in the matter of voting has not been without its opponents.

(1) Lord Macaulay opined that universal suffrage would lead to one "vast spoliation" and "a few half naked fishermen would divide with the owls and foxes the ruins of the greatest of European cities" (103 : 325).

(2) In the extension of suffrage to the masses, Lecky saw the danger of government by the ignorant masses and, therefore, advocated restricted franchise based on education and property. He asked the rhetorical question whether "the world should be governed by its ignorance or by its intelligence" (136 : Vol. I:13). It was his belief that the masses would cast their votes as directed by individuals or selfish organizations.

(3) Sir James Stephen thought that universal suffrage "tended to invert what I should have regarded as the true and natural relation between wisdom and folly" (143 : 36).

(4) Pointing out the opposition of the masses to modern progress, Sir Henry Maine argued that "universal suffrage which today excludes free trade from the United States would certainly have prohibited the spinning jenny and the power loom. It would certainly have prohibited the threshing machine" (143 : 36).

(5) The Belgian publicist, Emile Lavaleye, held that the parliamentary system of government would lead to "the loss of liberty, of order, and of civilization" (135 : Vol. II : 51-52). "Give the suffrage to the ignorant", he said, "and they will fall into anarchy today and into despotism tomorrow".

(6) Bluntschli thought that to vest the power of choosing those who are to rule the state in the hands of incapable and unworthy classes would mean state suicide.

Along with the movement for adult franchise has gone the movement for the extension of this right to women also. Several arguments were advanced against the political emancipation of women. These were—

(1) That active participation of women in politics would unsex them and destroy their feminine qualities ;

1. The minimum voting age was lowered to 18 in Great Britain before the general elections of 1970, enfranchising some three million young boys and girls in the 18-21 age group. Some of the other countries where the minimum voting age is already 18 years are: U.S. S. R., Yugoslavia, Rumania, East Germany, Sri Lanka, North Korea, North Vietnam, Mexico, El Salvador and Egypt.

(2) That the home, rather than the political arena, was the proper place for women and that women suffrage would strike at the foundation of home life ;

(3) That woman suffrage would create discord and division in the family ;

(4) That in Catholic lands it would open the way for Catholic influence in politics ; and

(5) That women could not discharge all the principal duties of citizenship such as military service.

All these arguments, however, have been ably and convincingly rebutted by Sidgwick, John Stuart Mill, Esmein and others. They have defended woman suffrage on the following grounds :

(1) That the basis of the right to vote is moral and intellectual, and not physical ;

(2) That the physical weakness of women demands greater dependence on law and society and hence women require the vote even more than men ;

(3) That women require the franchise for self-protection against the tyranny and unjust laws of men ;

(4) That logically women's political emancipation should follow their civil enfranchisement ; and

(5) That the admission of women to political life would purify, ennoble, and refine politics.

Earlier opposition to adult suffrage has now subsided so much so that universal suffrage is regarded as a sign of political maturity. The ominous warnings uttered by Macaulay, Maine, Lecky, and others have not come true. Nevertheless, the fears entertained by them have to be countered by positive measures if democracy is not to become a mockery.

In order to mitigate or neutralize some of the evils of universal franchise, such methods as weightage and plural voting have been tried.

The Weightage System.

The weightage system was the practical application of Maine's doctrine that voices should not be counted but that they should be weighed. It was based on the assumption that there are some whose opinions should be given more weight in electing public officials. John Stuart Mill supported it on the ground that it would be "a counterpoise to the numerical weight of the least educated".

Objections to the Weighted Vote System.

- (1) Any criterion by which votes may be counted is arbitrary.
- (2) The possession of property is not infrequently the result of an accident and hence it is unjust to base political rights on it.
- (3) It establishes a class system of government.
- (4) According to Esmein, it is based on "a principle which is a logical contradiction". He asked the question whether it would not be logical to refuse entirely the electoral right to the masses if weightage is intended to counteract the evils emanating from adult franchise.

Plural Voting.

Under this system one may cast two votes in certain circumstances. For example, a University degree holder may vote in a constituency where he resides as well as in his university constituency. Again, an occupier for business purposes of premises worth £10 per annum in a constituency different from that in which he resides may vote in both the constituencies. Plural voting once prevalent in England, India and Germany is now practically gone.

Minority Representation.

Certain methods are in vogue by means of which a minority can get some representation, even though it may not be proportionate to its numerical strength.

One of these is the *Cumulative Vote System*. Under this system

- (1) the constituency must be multi-membered; and
- (2) an elector is allowed as many votes as the number of representatives to be elected.

The voter is allowed to cast all his votes in favour of one representative or of different representatives according to his choice. By this method a well-organized minority is in a position to elect at least one representative by cumulating all its votes in favour of its candidate.

Under the *Limited Vote* system too

- (1) the constituencies must be multi-membered; but
- (2) voters are allowed one or two votes less than the number of representatives to be elected.
- (3) The electors are required to cast their votes in favour of different candidates.

These conditions make it impossible for a majority party or com-

munity to monopolize all the seats. A minority is enabled to elect at least one or two of its representatives.

Proportional Representation. Single member constituencies often lead to anomalous results when there are more than two candidates contesting for a seat. Votes are so divided that the successful candidate frequently represents the minority, and not the majority, of the electorate. In the General Election of November, 1935, in Great Britain the pro-Baldwin group secured 430 seats in the House of Commons, although their total voting strength in the country was only 11,764,660; while the parties opposed to the Baldwin ministry, though securing 10,071,993 votes, obtained only 185 seats. To remedy such an anomalous state of affairs, several devices have been put forward such as the Second Ballot, the Alternative Vote, the Cumulative Vote, the Limited Vote, and proportional representation by single transferable vote.

Of these the last mentioned, known also as the Hare plan, seems best fitted for producing the most equitable electoral results. But as yet there is no great enthusiasm for it, although it has been tried in India, the Dominions, and certain constituencies of Great Britain such as University Constituencies.

According to this scheme, the quota required for the election of any candidate is fixed beforehand in accordance with the formula.

$$\text{Quota} = \frac{\text{Valid votes}}{\text{Number of candidates} + 1} + 1$$

In the voting paper the elector indicates his preference with numbers 1, 2, 3, 4, 5, and so on. After the polling is over, the first preferences are all counted and candidates securing more than the quota are declared elected. As the effect of no vote is to be lost, the superfluous first votes (that is votes above the quota) of any candidate or candidates are passed down the list in accordance with the order of preference indicated in the ballot paper. Votes are transferred according to the order of preference indicated not only from those candidates who have enough and to spare but also from those who have no chance of being elected at all on account of the few first votes cast in their favour. Their ballot papers are scrutinized to find out their second, third, fourth preference, etc., and the votes are transferred accordingly. This two-fold transference of votes is kept up among the 'continuing' candidates till a point is reached when the number securing the quota is equal to the number of candidates to be

returned from the constituency, in question. At this point the process of transfer stops and the results are announced. The transference of votes from the bottom is resorted to at a later stage in the process than transference from above since it means the exclusion of certain candidates.

There is no doubt that, more than any other system, the system of Proportional Representation will more accurately represent the relative strength of the parties in the country. But it has certain defects. Instead of reducing the number of parties in a country to two or three main parties, it has a tendency to multiply them and stereotype the existing ones. Every small group is encouraged to maintain its own peculiarity without seeking to find points of contact with other groups and eventually be merged in them. The system is likely to increase the importance of the party machine. The successful candidate is not likely to take the same personal interest in the welfare of his constituency, as his election depends upon the working of a mathematical formula and not upon his having successfully wooed a definite body of known voters. With a heterogeneous group of representatives in Parliament, a strong, united and homogeneous cabinet becomes well-nigh impossible. Besides, there will be no periodical by-elections which provide a rough indication of the degree of confidence in which the government of the day is held by the electorate. Furthermore, the process is too complicated for the average voter.

All these arguments have been countered by the advocates of proportional representation. In smaller bodies such as the municipal councils in Canada and the United States, the system has proved useful. While the Liberal party in England was a staunch supporter of the proportional representation system, the two major parties did not take to it kindly.

Article 80 (+) of the Indian Constitution provides for proportional representation in the election of representatives of A and B States to the Council of States. The article provides "the representatives of each State specified in Part A or Part B of the First Schedule in the Council of States shall be elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of the single transferable vote".

Speaking in broad terms, it may be said that the system of proportional representation is not of much value to a country like India because of the vastness of its size and population, the apathy and

illiteracy of the people, the absence of sound political training and experience, and the lack of well-organized political parties.

POLITICAL PARTIES

W. B. Munro aptly writes : "Government by free political parties is merely another name for democratic government. Nowhere has there ever been a free government without political parties. Political parties existed even in ancient republics and mediaeval cities; although they were not known by that name. There were Lancastrians and Yorkists, Cavaliers and Roundheads in England long before the American Revolution. There were Whigs and Tories in the thirteen colonies. These rival factions sometimes settled issues by breaking heads rather than by counting them, but they were the ancestors of our political parties at the present-day" (151 : 113).

Political parties are considered to be indispensable for the successful working of modern democracy. By a political party we mean an organized body of people who stand for certain principles and policies in the political life of the country by whose operation they seek to promote the interests of the country as a whole. Burke defines a party as 'a body of men united for promoting by their joint endeavours the national interest upon some particular principle in which they are all agreed'. A political party, it must be borne in mind, does not mean a faction; and sharp differences of opinion among party leaders are not to be interpreted in terms of a personal quarrel. A political party without definite political principles and a clear programme is not worth the name.

Parties with differing policies and programmes under despotism are not tolerated. Modern dictatorships are all governments by one party, party being a euphemism for the arbitrary rule of a few people. Parliamentary government, on the other hand, is essentially a party government. It allows full freedom of thought and discussion within, of course, the limits of constitutional propriety and ordinary decency. As a consequence, people divide themselves into such groups as Conservatives, Liberals, Labourites or Republicans and Democrats. Owing to periodical changes in the general life and thought of the country, party labels do not always clearly indicate the programmes for which the parties stand. Thus at one time in the history of England the Liberals stood for a policy of non-intervention in the industrial life of the country and the Conservatives stood for consi-

derable regulation of industry and for programmes of social reconstruction. Later on, however, the two parties changed places almost completely. Even on such fundamental issues as free trade and protection the attitudes of parties have not been consistent. Whatever major difference in principle there may have been between the Republicans and Democrats of the United States of America in the past, they have largely disappeared today.

The party system is especially valuable in countries which have adopted parliamentary democracy, for it helps to bring about a harmonious relation between the executive and the legislature which is the bedrock of successful party government. The party in power in the legislature is the party from which the executive is drawn. When, owing to a national crisis, a coalition government is formed, the parties are represented in the Cabinet or ministry, roughly in proportion to their strength in the popular house. This happened in England during World War II with Winston Churchill as Prime Minister.

This advantage of a harmonious relation between the executive and the legislature is found lacking in the constitution of the United States where it is possible to have those two organs of government controlled by the two rival parties in the country. Even in such a country, parties play a very important role in creating public opinion on the momentous questions of the day.

There can be no doubt that under the complex conditions which prevail in modern states, parties render a valuable service in clarifying issues and policies. The party system helps a person to see his way through a maze of conflicting policies and intricate details. The issues before any modern government are so complex and difficult of comprehension that without the systematic guidance offered by political parties, the average voter will find himself entirely at sea. Parties perform in politics a function similar to that performed by lawyers in arguing the different sides of a case. Just as it is possible for a clever lawyer to make right appear wrong and wrong appear right, a party by means of false propaganda, catchwords, and shibboleths may mislead the public altogether. But such tactics do not always succeed, especially if the electorate is educated, well-read and discriminating.

To sum up the discussion so far in countries which have adopted the parliamentary system of government, parties help to make the government strong and stable; and in both parliamentary and non-parliamentary forms of democratic government they help to make the opinions of the electors articulate.

Some recent thinkers, however, have seriously questioned the validity of the party system. Against the continuance of the party system, it is said that party mentality is very often a partisan mentality and that parties lead to bribery and corruption and exercise a tyranny of the most thorough-going kind both over their representatives in the legislature and over the general public. All these charges no doubt contain enough truth to make them appear plausible, but it must be remembered that it is easy to exaggerate them.

The primary aim of a party is to succeed and in its keenness for success, a party frequently adopts dubious vote-catching devices. The party platform is made as broad and as nebulous as possible so as to catch the largest number of votes. Promises are made which are never meant to be fulfilled. Political opponents and rival political programmes are misrepresented, if not ridiculed. The choice before the voter is so limited that at times he is forced to choose between a knave and a fool. Party corrupts even the administration in a country like the United States where the 'Spoils System' reigned supreme for generations. Voters are bribed, flattered and cajoled. In the words of Lord Bryce, the party system has 'demoralized politics and made them sordid'.¹ The party machine is controlled by a few selfish individuals and 'bosses' who declare a secret or open war upon ability and integrity of character.

The fair-minded student of public affairs is bound to admit the weight of many, if not all, of these criticisms. Yet he may not be prepared to throw out the baby along with the bath water. Mr. S. S. Iyengar is much concerned about the loss of freedom of the average member of the legislature. But it must be remembered that not all legislators are power-houses of ideas. Many of them are probably happier to have a party programme and policy which they can blindly follow than take the trouble of examining every detail for themselves for which they may not have the requisite qualification. Besides, it is always possible for an active member to influence policies and decisions in party meeting. Party discipline is undoubtedly a check upon the egotism of individual members. It curbs their ambitions and eccentricities and enables them to take their proper place alongside of others who think and act with them. In a country like India, as

1. The politics of defection in India is a testimony to the above view of Lord Bryce. For selfish interests the members of legislature have been very often shifting their loyalties from one party to the other.

elsewhere, to destroy parties altogether would mean undue development of individualism, each person playing the game for himself. If undue regimentation is bad, so is undue individualism. To the charge that the party system leads to dictatorship, our answer is that dictatorship is not the result of a well-organized party system working within the constitutional framework. It is the result of the disintegration of the party system, as was the case in Fascist Italy and Nazi Germany. Without a well-organised party system with adequate resources behind, able but poor candidates have little chance of being elected.

Conditions for the successful working of parties. The party system has worked well in countries which have a strong two-party system. A strong government and an almost equally strong opposition presenting alternative programmes of public interest seem to be necessary if parties are not to degenerate into cliques. The opposition in England plays a very vital part in the conduct of public affairs. By its responsible criticism of measures proposed by the government, it not only keeps the government alert and watchful, but also renders a great public service. It is no wonder, therefore, that it is described as 'His Majesty's Opposition'.

France has demonstrated in no uncertain terms the weakness of the multiple party system. Government is formed by continuous bargaining and trafficking among members of different groups who have no scruples in changing their allegiance on the slightest pretext possible. It is no wonder that French governments have been exceedingly unstable, altogether at the mercy of the legislature. It is more than likely that the historian will find in the French multiple party system a potent case for the defeat of France at the hands of Nazi Germany.

If public opinion is not able to prevent the formation of frivolous or avowedly selfish parties, we may have to resort to legislation. Our constant endeavour should be to integrate groups which are similar to each other in order that there may not be more than two strong parties in the country. No tolerance should be shown to a party whose avowed object is to break up all other parties and establish a dictatorship of its own.

Parties founded merely on difference of caste, religion or community have no abiding place in politics. They are a fruitful cause of national weakness. By perpetuating fissiparous tendencies they place themselves entirely at the mercy of the interested outsider.

Even broad national questions which should be judged purely on their own merit are approached from the caste or communal angle. The caste and communal spectacles distort the vision with regard to economic, social and political policies and programmes. At times of national crisis parties should be prepared to lay aside their differences and work together as a single unit.

In no circumstance should a party be allowed to maintain a private military force, knowing as we do that the Nazis in Germany and the Fascists in Italy rode to power on the backs of their private armies. The only legitimate weapons which a party may use in winning adherents are persuasion and conviction. The long tongue and recourse to physical force are signs of barbarism. Democracy can function only if political minorities defeated at elections accept their defeat manfully. Their only constitutional right is to convert themselves into a majority by argument and persuasion.

If party government should succeed, it is necessary to keep the administration outside the reach of parties and politicians. Government officers from top to bottom should be elected on the basis of merit by a body which commands the respect of everybody by its stern impartiality. Government officials who are found guilty of favouring men of their own caste or community should be dealt with mercilessly. Recruitment, transfer, and promotion of public servants should follow the recognized canons of public service.

Everything possible should be done to break up the control of party 'bosses' and time-servers. Those who seek to control the party machine for their own selfish ends should be hounded out of the party. For accomplishing this end sound public opinion is necessary. Leaders of outstanding ability and unimpeachable character are the life breath of a party.

The failure of the party system is partly a reflection on the people themselves. If the electorate is not intelligent, critical and discriminating, party dictatorship is inevitable. It is absurd to say that a person should vote in a particular way because his father and grandfather before him voted that way; or because the members of his class or profession want him to vote in that manner. The intelligent voter should be prepared to defy customs and conventions when necessary and vote according to the dictates of his conscience and judgment.

The party system is bound to fail if there is a lack of character among politicians and the people at large. A high degree of public honesty and honour is the first requisite of successful party govern-

ment. Without character of a very high order widely prevalent among the people, any type of government, particularly the democratic, will come to grief. An honest and well-informed press and platform can do much in making the party follow the narrow and strict path of public morality.

THE JUDICIARY

A country may have a very good legislature and an excellent executive, but if it does not have an independent and impartial judiciary, its constitution is not worth much. Protection against arbitrary rule is a condition which every citizen expects a civilized government to provide for him; and a properly constituted judiciary is one of the best means by which this condition can be secured. It is for this reason that it is often said that the excellence of a country's judiciary is a measure of the excellence of its government.

While people greatly value the importance of the judiciary, its evolution has indeed been slow. The kind of justice which prevailed in early times was a tribal conception of justice. It did not matter whether the guilty person was punished or not. The ends of justice were supposed to have been met when punishment was inflicted upon members of the offending clan or tribe.

All through this period justice was personal and private. The aggrieved individual or tribe had to take whatever action it was possible to take. Besides, in many cases there was no way of enforcing a decision.

Gradually there developed the idea of the King's peace. It first included 'bootless' crimes, *i. e.*, crimes for which atonement could not be made by money payment. Later on theft and other such crimes came to be included under King's peace. Feudal lords and the Church continued to administer their own kind of justice for a long time, and it was not without a struggle that they gradually gave place to the King's justice.

In the modern State all crimes are crimes against the state, although we speak of private law and public law. While various social organizations may use persuasion, moral pressure, and social ostracism in reference to their members in enforcing a certain line of conduct, they have no right to imprison people, award capital punishment or do the like. Justice is a function of the State.

The greatest enemy of an independent judiciary has been an all-powerful executive. Under the first two Stuarts in England endeavour was made to subordinate the judiciary to the executive and even some of the judges of the time were a party to this unholy endeavour.

The first condition required of a good system of judiciary is independence. The manner in which a judge is appointed and the terms of service under which he works should all be such as to enable him to act in an independent manner. Fear of the executive or of the people at large should not influence him in any way in the performance of his duties.

*2. Conditions
required of an
Efficient Judi-
ciary*

Impartiality in the administration of justice is as important as independence. It is commonly said that in England 'there is one law for all' and that 'all men are equal before the law'. Differences in wealth, influence, and social position should not weigh with the judge. Under no circumstances the executive should be allowed to dictate to the judiciary the kind of judgment to give, especially when it is one of the interested parties.

Besides being independent and impartial, the judge should be learned and skilled in his profession. An incompetent judge is bound to reduce popular regard for the judiciary. A judge should be absolutely incorruptible, upright and fearless in the discharge of his duties.

Passing from judges to courts, it must be said that justice *should* be swift and sure. To the attainment of this end, the number of judges should be large enough to prevent delays. In the United States it is said that justice is neither swift nor sure. There are so many loopholes in the law and its processes that it is possible for a clever lawyer or client to delay justice unduly, if not to thwart it altogether. If the poor people are to benefit by the judiciary, it is necessary that justice should not be as costly as it is today in many countries, including India. The judicial process should be simple, direct, and inexpensive. While ample provision should be made for the correction of judicial errors by a well-organized system of appeals, everything possible should be done to prevent prolonged and vexatious litigation. Strenuous efforts should be made by courts to effect reconciliation and arbitration wherever possible. In this matter of the amicable settlement of disputes the lower courts in India might be instructed to play a useful part which they are not playing today.

(1) The primary function of the judiciary is to apply the law to

specific cases, both in civil controversies and in cases in which persons have been accused of crime. This function is not as easy as it may seem on the surface. There are many cases where the law is not clear, or altogether free from ambiguity. Therefore, the judge is asked to interpret the meaning of laws, and in so doing judges have built up a great body of 'judge-made law' or 'case law'.¹ In Anglo-Saxon countries, in dealing with cases which are not covered by statute law, judges declare what is the common law. In France, almost the whole body of administrative law has been built up by the decisions of the Council of State, the supreme administrative court of the country.

While precedents are not binding on future decisions, much respect is attached to them. Both lawyers and judges make use of them. In the Anglo-Saxon countries precedents are not merely evidence of the law, but are a source of law. In France, Germany, and on the Continent generally, however, judicial precedents do not bind even the inferior courts.

(2) A second important function of the judiciary is the protection of the individual against the encroachment of the State. No special provision is made for this purpose in the English-speaking countries or in Belgium where the rule of law prevails, according to which there are the same laws and same courts for both officials and private individuals. What special courts there may be are subordinate to the ordinary courts. In France, Germany, Italy and other Continental countries there are special administrative courts applying administrative law.

Controversy has raged over the question as to whether the rule of law is superior to administrative law or *vice versa*. A. V. Dicey is largely responsible for the exaggerated importance given to the rule of law and for the prevailing opinion in English-speaking countries that the rule of law alone can adequately protect the liberties of the individual against public officials. More intimate knowledge of the special administrative courts of France than was available in the days of Dicey has convinced thinkers that administrative courts and administrative law do not necessarily mean arbitrary rule. There is no

1. U. S. Chief Justice Hughes once said: "We (the Americans) are under a constitution, but the constitution is what the judges say it is." For this reason, the judges of the Supreme Court in the U. S. A. are called "the Judicial Oligarchy", "the Aristocracy of the Robe", etc.

solid foundation for the popular belief that in administrative courts justice is perverted for the sake of administrative convenience or in order to oblige those in authority. Judges of the administrative courts are not only well-versed in law but also have had administrative experience which enables them to take into account both the public and private aspects of a case in which State officials are involved. In the course of years they have become the protectors of the individual against the arbitrary and illegal acts of government and its administrative agents.

One respect in which administrative law is superior to the rule of law is that, in a country like France, the individual can sue the State and obtain an indemnity if he has suffered injustice at the hands of its officials. In England, on the contrary, the individual cannot generally sue the State. He has to sue the officer concerned for damage which may not be forthcoming if he is insolvent or is unable to pay. When some high official is to be sued, permission has to be sought by means of a petition of right, and this is not always easy to obtain.

A significant development in recent years is that both the rule of law and administrative law have undergone changes in the direction of each other, thus minimizing the sharp differences between the two. As seen earlier, a great many administrative departments in England such as Health and Labour enjoy semi-judicial powers, and in some cases there is no appeal to higher authority. Continental administrative courts, in their turn, have become more and more judicialized with a definite procedure regarding evidence, judgment, etc. There is no country in the world where the public official is on a footing of absolute equality with the private citizen as regards his privileges and immunities. This being the case, it seems best to accept frankly the French view that the public official in the performance of his duties is in a different category altogether from the private individual in his relations with other private individuals. It is an English writer, C. K. Allen, who says: 'The remedies of the subject against the State in France are easier, speedier, and infinitely cheaper than they are in England today. It has become a maxim of constitutionalists, and a bulwark of French democracy that the *Conseil d'Etat* is the great buffer between the public and the bureaucrat.'

The Council of State, the supreme administrative court of France, presided over today by a non-political head instead of by the Minister of Justice, as before. The Council of State further exercises

the function of judicial review over the ordinances and rules which do not have their source in the legislature.

(3) An important function of the judiciary in federal constitutions is the interpretation of the constitution and declaring invalid statutes which are at variance with the constitution. As has been well pointed out, there are in the United States four kinds of laws possessing various degrees of authority. These are (a) the Federal constitution, (b) Federal statutes, (c) State constitution, and (d) State statutes. Of these the first prevails against all the rest.

The Supreme Court Judges are the guardians of the federal constitution. This does not mean that they scrutinize the constitutionality of every statute law before it can become operative. It is for the aggrieved party to bring the alleged violation of the constitution to the notice of the Supreme Court. As a recent writer observes: 'The court has no authority to interfere until its office is invoked in a cause submitted to it in the manner prescribed by law'.

The power of judicial review given to the Supreme Court enables the judiciary to act as a guardian of the constitution against the possible inroads of the Executive or the Legislature. On the whole the system has worked admirably, in spite of the fact that there have been occasions when the class prejudices of the judges have contributed much to the rejection of essential legislation under the pretext of defending the constitution. Thus, the Employers' Liability Act, Workmen's Compensation Act, Minimum Wages Act, Act to Prevent Child Labour, etc., passed by the Federal Congress and approved by the President, have been at one time or another rejected by the Supreme Court, although today these acts have succeeded in becoming the law of the land.

(4) Other functions of the judiciary as summed up by Garner are (a) the issuing of writs and injunctions of various kinds; (b) the pronouncing of declaratory judgments regarding what is right or what the law requires when such opinions are requested by interested parties; (c) the giving of advisory opinion on questions of law when requested by the executive or the legislature; (d) the adjudication of disputed cases of jurisdiction in federal constitutions; (e) the appointment of certain local officials of the court, the choosing of clerical and other functionaries, the granting of licences, the appointing of guardians and trustees, the admission of wills to probate, the administering of the estates of deceased persons, the appointing of receivers, etc.

The judiciary is organized differently from the legislature and executive. As Garner points out: 'The judicial power . . . is exercised neither by a single magistrate nor by an assembly, but by a series of magistrates or collegially constituted tribunals usually hierarchically organized one above another with a supreme court of review or cessation at the apex' (22:780-1).

4. *Organization of the Judiciary*

In the Anglo-Saxon countries, except in the case of the courts of an appeal, the usual practice is for each court to consist of a single judge. In France, Germany, and several other European countries the collegiate principle generally prevails. Plurality of judges, it is believed, is a protection against arbitrariness. But it is very expensive. In Great Britain and the United States, the number of judges in the lower courts is relatively small.

Another difference between the Anglo-American and Continental courts is that in the former judges go 'on circuit' from county to county, holding court in different places for the convenience of litigants. On the continent of Europe, on the contrary, courts are 'sedentary' or localized; and litigants are to go to them.

A valuable feature of the Continental courts, when contrasted with the state courts of the United States, is that their judicial system is unified and integrated. It is highly desirable that all the state courts should be organized into one system so that there will be one great court with several branches under it.

In federal States such as the United States, 'there are usually two separate and distinct series of judicial bodies, one to exercise national or general jurisdiction, the other local jurisdiction' (22:783).

Such diversity is not necessary, as can be seen in the case of Germany under the Weimar constitution where there was 'a single uniform system for the federation and the States' (22:783).

No division of jurisdiction was observed between the federation and the states; nor was there any diversity of law. In the United States, on the other hand, in spite of a certain degree of uniformity and similarity as regards essentials, the different states possess different systems of judicial organization and law procedure. This does not mean that the courts of the various states regard each other as foreign. On the contrary, they give full faith and credit to the records and judicial proceedings of each other.

The two general types of courts, as distinguished by Garner, are the ordinary or regular courts and extraordinary or special courts

such as administrative courts, military, commercial, and industrial courts, labour arbitration courts, courts of claims, conciliation courts, probate courts, customs courts, courts of impeachment, consular courts, etc. Many of the courts under the second category exercise only voluntary or non-contentious jurisdiction.

The federal judicial system of the United States consists of district courts, the Circuit Court of Appeals, and the Supreme Court, in addition to several special courts. The Supreme Court consists of a Chief Justice and eight associate justices. Six form a quorum. The original jurisdiction of the Supreme Court is 'determined by the Constitution and includes only cases in which ambassadors of States are parties; its appellate jurisdiction is determined mainly by statute, and includes all cases from state courts involving conflicts between State Law and Federal Law, all cases involving the interpretation of the Federal Constitution or any Federal Law or Treaty, cases involving a conflict between a State Constitution and the Constitution of the United States, and all cases where the decision of the Circuit Court of Appeals is not final' (58: Vol. 2: 301). There are other kinds of appeals also received by the Supreme Court which need not detain us. While in England judges are never called upon to interpret the constitution, in the United States the Supreme Court judges are frequently called upon to do it. They have the right to declare the legality of the law itself and are, in a literal sense, the guardians of the constitution. Their appointment rests with the President subject to the approval of the Senate. Once appointed, they hold office for life, there being no statutory age of retirement. They can be removed only by impeachment.

'The Federal courts, like the Federal Laws, operate directly upon the individual citizens' (58 : 307). In Switzerland, on the other hand, the execution of the laws and decrees made by the executive Council is left to the cantonal administrators and courts of justice.

The State courts are wholly distinct from the Federal courts, the bifurcation of judicial administration being absolute and complete. 'Each State has its own series of courts, and appeals from those courts, to the Federal courts of the United States lie only in cases involving Federal law, or in cases where one of the parties to the suit belongs to a different state' (58 : 308).

The British courts consist of the central courts located in London and local courts scattered throughout the country, such as County

Courts, Coroner's Courts, Assizes, and Quarter Sessions. The High Court of Justice in London consists of 25 judges. It does not sit as one body, but meets in three branches *viz.*, the King's Bench, the Chancery, and the Probate, Divorce, and Admiralty Division. These courts have both original and appellate jurisdiction. 'The Court of Appeal is solely concerned with the hearing of appeals from persons all over Britain and cases tried in the first instance at other subordinate courts. The Judicial Committee of the Privy Council tries appeals coming from different parts of the Empire'.

For purposes of local judicial administration, Britain is divided into eight circuits and sub-divided into several counties. Offences which are non-indictable, also known as 'petty' offences, receive a summary jurisdiction. There is no jury trial in such cases. The presiding officer of such courts is very often an honorary Justice of the Peace, assisted by a clerk well-versed in law. Indictable offences are tried by Assizes and Quarter Sessions, the jury acting as a complement of the judge. Rigorous proof of crime is required before a person standing the trial is condemned.

While in criminal cases the State appears as the complainant, in civil cases both sides appear in their private capacity. The Circuit Courts or Assizes deal also with civil disputes, but with different procedure and in a different hall.

In France there is a hierarchy of ordinary courts as well as administrative courts. They combine original and appellate jurisdiction. The highest administrative court is the Council of State. Below it are the Councils of Prefecture which deal 'with complaints regarding direct taxation and transactions of the lower public officials with private individuals' (65:356). Administrative courts deal also with election petitions.

The High Court for ordinary law in France is called the Court of Cassation. It is the supreme court of appeal as well as the court which annuls all decisions contrary to the laws of the land. Cases where disputes of jurisdiction arise as between the ordinary courts and the administrative courts are decided by the Court of Conflicts. The French Justices of the Peace in the cantons are concerned more with persuading parties to arrive at an amicable settlement of disputes than with delivering judgments.

The federal judiciary in Switzerland does not occupy the high place occupied by the Supreme Court of the United States. It has the power of judicial review only over cantonal statutes and cantonal

constitutions and not over federal statutes and the federal constitution. It can compel the obedience of the cantons, but not of the citizens of the cantons, to the federal constitution and federal statutes. It can approach the citizens of the cantons only through the cantonal administration. There is no hierarchy of federal courts in Switzerland, as in the United States, but only a single federal court of 24 Judges at Lausanne.

Discussion of the organization of the judiciary cannot be complete without a word about the part assigned to laymen in the judicial system. For petty cases laymen are employed as unpaid, honorary judges for short periods. In England this function is performed by Justices of the Peace and in India by honorary magistrates. On the whole, the system has not worked satisfactorily. There is a lack of uniformity in the decisions given. In Britain the 'Justice of the Peace' is rather slipshod, lacking in uniformity. On the other hand, this system gives opportunity to well-to-do citizens with leisure for political education and social service, although there is a possibility of the power given being abused.

Akin to the system of honorary magistrates is the jury system which is used widely in many countries. Its object is to help the judge to appreciate the facts of a case. It originated in England and has been widely adopted in other lands. In favour of the system it is said that it acts as a check upon bribery and other corrupt motives influencing the judges. It is also said to be a valuable means of education in civic duties and responsibilities. By its spirit of disinterestedness and application of commonsense, it is argued that the jury can help the judge in a proper appreciation of the facts of the case.

In actual practice, however, the jury system has not been a great success. There are many cases where an upright judge has been hindered in his work by a partial and prejudiced jury. This has notoriously been the case when Negroes in the United States had to be tried before juries composed exclusively of white men. An unpaid jury is reluctant to give its time when the case prolongs for days and weeks together. In cases where technical issues are involved, an ordinary jury is worse than useless.

The jury system was introduced into India in 1861. In spite of its trial for many years it must be said that it has been more a failure than a success.

Another practice which has even less justification than the jury system is the system of trial by assessors. In the criminal courts of

India the system of assessors has not served any useful purpose. As a well-known judicial authority puts it: 'The assessors are not anxious to be there. Judges are not anxious to have the assessors.'

There are three principal forms of appointment of judges, viz. (1) election by the legislature, (2) election by the people, (3) appointments by the executive by itself or under certain conditions such as appointment from a list of nominees submitted by the courts or on the basis of a competitive examination or with the approval of an executive council or the upper house in the legislature.

5. *Appointment, Tenure, and Removal of Judges.*

(1) *Appointment by the legislature* prevails in Switzerland. The judges of the federal court who number 24 are elected by the two houses of the legislature at a joint session for a period of six years and can be re-elected any number of times. This system was popular in the United States for some years after the Revolution. Since then all but four states have abandoned it. The defects of the system are that the judiciary is made unduly dependent on the legislature and appointments are made by the party caucus. Political and geographical considerations are given greater weight than technical qualifications. Notwithstanding these defects which particularly apply to the United States, the system has worked well in Switzerland on account of the small size of the legislature and the comparative lack of partisanship in politics.

(2) *Election by the People.* This system was first introduced in France in 1790 and was much abused in 1793 when stone-cutters, clerks, gardeners, and common labourers were elected as judges. Napoleon abolished it so far as France was concerned.

The system prevails today in the cantons of Switzerland and in many states of America. It is the worst method of securing good and efficient judges. Condemning the system, Garner writes: 'It lowers the character of the judiciary, tends to make a politician of the judge, and subjects the judicial mind to a strain which it is not always able to resist'.

The evils of the system have been partially overcome in the United States by non-partisan primaries nominating candidates and by the bar recommending suitable candidates to the electors.

(3) *Appointment by the Executive.* This seems the best method. It prevails in Great Britain and the British Dominions as well as in the Federal Government of the United States and in six of the part-states

and in India. Though political considerations play a part in making the selection, when once appointed the judges are independent and are not under the influence of the executive. In France the executive is not given a free hand. A competitive examination is held to fill up vacancies in the lower grades, and from there promotion is by seniority. In England and the United States practising lawyers are often chosen to judgeships.

Appointment by the executive is the best method on the whole. The executive is a better judge of the merits of those appointed than either the legislature or the people can be.

Tenure of Judges. Short-term tenure is the usual practice in the United States. The term varies from 2 to 21 years, while the average is from 6 to 9 years. In Switzerland the federal judges are elected by the two houses of the legislature for a period of six years, but can be re-elected any number of times. Outside the United States good behaviour tenure is almost universal. This is a sound practice because it secures 'a steady, upright, and impartial administration of the law'. It also secures experience and knowledge of judicial precedents.

The United States practice of fixing no age limit for the retirement of the Supreme Court judges is indefensible. It keeps in the saddle too many old men who are terribly conservative and incapable of adjusting themselves to new conditions.

Removal of Judges. In every constitution there must be provision for the removal of corrupt and inefficient magistrates. In England judges can be removed by the Crown upon an address of both houses of Parliament. The usual practice in the United States is impeachment whereby the lower house makes the charge and the upper house tries it. The process is rather cumbersome. It is capable of being used for party purposes. Several states have adopted the popular recall of judges and of decisions. In many of the countries of continental Europe "Judges may be removed only by the court of which they are members, or by the supreme court sitting as a disciplinary tribunal, and after a regular trial, and for reasons expressly stated in the laws' (22 : 802).

THEORY OF THE SEPARATION OF POWERS

The traditional classification of the organs of government has been into the legislative, the executive, and the judicial ; but this classification is considered to be too simple to suit modern conditions.

Aristotle, the father of Western political thought, distinguishes between the deliberative, the magisterial, and the judicial powers. Although in theory Aristotle found it easy to separate these three powers, in practice they were all exercised by the same persons in ancient Greece.

Bodin, one of the earliest thinkers of the modern period, sees the importance of separating executive and judicial powers. He insists that the Prince should not administer justice himself, but should delegate this power to an independent tribunal, his argument being that not to separate the two powers would mean the indiscriminate mixture of justice and mercy, of strict adherence to law and arbitrary departure from it.

In his *Civil Government* Locke makes a casual reference to the theory of the 'Separation of Powers'. According to him civil society was constituted for the protection of life, liberty, and property, and the means for the attainment of these ends are as definite as the ends themselves. These means express themselves in a three or four-fold division of governmental activity, namely legislation, which provides for a 'standard interpretation' of the law of nature which fixes these rights; the judicial side of governmental activity, namely the provision for an authority just and impartial for applying the interpretation of the Laws of Nature as among the individuals in a community; and the executive side of it, the provision for employing the force of the community in enforcing by penalties the prescriptions in the laws. The function of maintaining the interest of the community and of its individuals in relation to other communities Locke calls the 'Federative' duty.

Locke's doctrine of the separation of powers breaks new ground. The functions of legislation and execution must needs be separated; and certainly it is unwise to invest the makers of laws with the duty of enforcing them, for either they may exempt themselves from the operations of such laws or may suit the laws to serve their own ends.

As to Locke's treatment of the theory, the principle is merely suggested as a determinant of the relations between the Legislature and the Executive. The 'tripartite' divisions of functions, familiar today, and the complementary doctrine of mutual checks and balances which it entails, do not find a place in the speculation of Locke, but owe their development to Montesquieu, the French philosopher, who expanded the English philosopher's suggestions.

It was Montesquieu (1689-1755), the celebrated French writer,

who made the doctrine his own in his *Esprit des Lois* (1748). Curiously enough, after studying the working of the English constitution on the spot for two years, Montesquieu gave it as his considered judgment that the stability of the English constitution was due to its adherence to the separation of powers. It is agreed by all today that Montesquieu was mistaken in his interpretation of the English constitution. Even though the cabinet system of government which is a direct violation of the separation of powers was not fully developed in the eighteenth century when Montesquieu wrote his work, there was no clear separation of powers even in the England of his day. It is instructive to note that even the English jurist, Blackstone, who wrote twenty years later, repeated the error committed by Montesquieu in holding that the fundamental principle of the English system of government was its clear-cut distinction between the legislative, executive and judicial powers. The fact of the matter is that both Montesquieu and Blackstone concerned themselves with the principle of the English constitution and not with its actual practice, thus laying themselves open to the charge of being superficial.

By temperament and upbringing Montesquieu was an aristocrat. Nevertheless he had a profound respect for liberty, which he considered to be the greatest of all human goods. It was for the securing of this good that Montesquieu advocated the separation of powers. He realized that it was in the nature of authority to abuse itself and that unless, therefore, clear limitations were laid down, arbitrary rule would be inevitable. Moderation in exercise of governmental authority, he considered, was the *sine qua non* of good government. In the interest of such moderation, he enunciated his well-known theory of the separation of powers, according to which each power should be exercised by a different organ of government and among the various organs of government there should be a system of checks and balances so that no one organ might become all-powerful. The doctrine as stated by Montesquieu himself is :

'When the legislative and executive powers are united in the same person or body, there can be no liberty. . . . If the power of judging were joined to the legislative power, the life and liberty of the subject would be exposed to arbitrary control . . . if it were joined to the executive, the judge might behave as an oppressor'.

Montesquieu particularly emphasized the separation of the

executive and legislative powers. Within the legislature itself there were to be two chambers, one acting as a check upon the other.

The doctrine had a profound influence on the framers of the American constitution as well as upon revolutionary France. Whereas in France the theory broke down, leaving only administrative courts as a tribute to the doctrine of separation of powers and the cabinet system was adopted by the 1875 constitution, in the United States of America it has come down to modern times. Even today the legislature, the executive, and the judiciary are organized independently of each other. Thus, the President of the United States who is the chief executive, and his cabinet are not members of the legislature, and the close contact between the legislature and the executive found in countries which have adopted the British system of government is unknown in America. The two houses of the legislature are separately constituted with different periods of tenure and with different powers. The judges of the Supreme Court are appointed by the executive with the consent of the Senate, but the terms of appointment are such as to make the judiciary virtually an independent branch.

Not only are the organs of government separate from each other, but each organ exercises certain checks upon the rest. Thus, the consent of the Senate is required to all the appointments of chief officials made by the President. War and peace are to be declared by the Congress, and treaties entered into by the executive require ratification by the Senate. The President is empowered to send messages to the Congress outlining his legislative programme, but a convention of the constitution prevents him or any of the members of his cabinet from appearing on the floor of the Congress to elucidate or defend the government policy. The President has the power of veto on the acts of the legislature, but it is a suspensive, and not an absolute veto.

Criticism :

While the principle of the separation of powers is generally admitted as valid, embodying as it does the scientific principle of differentiation, the practical difficulties experienced in working it makes it of little value to us today. Even the United States does not possess a rigid separation of powers. In modern governments every legislature performs some executive duties ; and the executive has certain judicial functions. The chief value of the theory is in emphasizing the independence of judiciary ; but this end is attained more easily by other means such as security of tenure to the judges, liberal salaries which

are independent of annual budgetary provision, and freedom of the judges from party alignments or control.

Another value of the theory is that it lays down the sound principle that government must act according to well-established rules or laws. Arbitrary rule is a negation of good government. The theory admonishes the executive and administrative officials not to interfere with the processes of law and justice. In the words of *Finer*, it imposes upon each power the need to explain itself.

In justification of the doctrine, some have argued that while functions may be combined, powers should always remain supreme. This seems to us to be a distinction without a difference. How functions can be performed without the necessary power to perform them it is difficult to see.

The doctrine of the separation of powers was of great value against the despotism of the king at one time and, at a later date, against the despotism of Parliament. But there is no danger of either of these despotisms today. In democratic countries we may require protection against the domination of parties and the 'despotism' of civil servants, while, in countries with a dictatorial form of government we need protection against the dictatorship of the party and the leader. Against none of these types of domination, the separation of powers is of any avail. It is too mechanical in nature. The best safeguard of individual liberty in a democratic country is a well-informed and vigilant electorate.

The smooth working of government under modern conditions calls not so much for separation of powers as for the 'co-ordination' or 'articulation' of powers. Each organ should regard itself as a servant of the public and do everything in its power to advance its end. Apropos of this *H. J. Laski* writes:

'Legislatures could not fulfil their task unless they were able both to interfere in the execution of law, and also, on occasion, to overrule by statute the decisions of the judges the results of which are widely felt to be unsatisfactory. An executive is bound, in applying the law, to clothe the general principle in the garment of detail; and in the modern State, this function covers so wide an ambit that it is often difficult to distinguish it from the work of the legislature. The judiciary, finally, which settles either the competence of the executive (in which case it determines the substance of legislative will) or dispute between two citizens (in which case it extends

the legal imperatives of a state to cover new ground, or denies that the ground involved comes within the ambit of those imperatives) is in fact performing a function which is legislative in character' (22:63).

As against what Laski writes, the doctrine of the separation of powers, while making for a certain degree of efficiency, places a premium on jealousy, suspicion, and internal friction. The nature of power is such that anybody entrusted with it wants to press it to the utmost limit and prevent others from exercising their power. The serious limitations of the doctrine of the separation of powers were clearly brought out during the second term, as president, of Woodrow Wilson, when the State refused to ratify the treaty which the President had concluded.¹ In the picturesque language of Finer, the theory of the separation of powers throws 'government into alternating conditions of coma and convulsion'. In modern democracies the legislature, representing the people as it does, occupies a more important place than that occupied by the executive or the judiciary.

There is no doubt that the British system of government which knows of little or no separation of powers as understood by Montesquieu, and in which there is an intimate and continuous relation between the executive and legislature, works more efficiently than the American system. It provides for 'a single focus of government'. Writing on the contrast between the two systems, Ramsay Muir says: 'If the Separation of Powers is the essential principle of the American constitution, Concentration of Responsibility is the essential principle of the British constitution'. Another writer has said: 'Separation of powers means confusion of powers'.

Willoughby, who adopts a slightly different point of view, argues that in the English government there is a separation of powers organically but a union of powers personally, while in America there is a union of powers organically, but a separation of powers personally. The principle strictly adhered to in England is that of vesting the exercise of each power in a distinct organ, but this distinction is ignored in the United States. What prevails in this latter country is a personal separation of powers, but not an organic separation.

In the British ministry or cabinet we find a good illustration of union of persons (28:254) but a separation of organs. The ministry

1. Several of President Truman's plans for the welfare of the country were torpedoed by an unsympathetic legislature, especially in the fields of price control and fair employment practices between 1946 and 1948.

acts as an executive organ, a legislative organ, and an administrative board. When it acts in one capacity it keeps in abeyance its power in other capacities. To paraphrase Willoughby on this question: when the ministry acts as an executive organ, it acts independently of Parliament and as representative of the Crown. When it acts as a legislative organ, it keeps within the legislative field and does not seek to take to itself strictly either executive or administrative function. When it acts as an administrative board, it does not seek to exercise either executive or legislative powers, but confines itself strictly to the problems of administration.

Thus in the British constitution the several branches of government are kept separate. But they are made to realize that they are part and parcel of a common mechanism by placing the same persons in charge of several organs.

As regards the American constitution, Willoughby writes that many people imagine that the public liberties of the American people are safeguarded by a strict separation of powers. But the fact of the matter is that there is considerable union of powers. The difficulty of working the American constitution is not due to the separation of powers but is due to a joint exercise of powers by two or more authorities.

In the American constitution, says Willoughby, neither the union of powers nor the separation of powers is consistently carried out; and the consequence has been a chronic struggle between the executive and legislature. This struggle has been intensified by the failure of the American constitution to realize the importance of administration as a separate branch of government.

In broad terms, the doctrine of the separation of powers is a valuable doctrine. But even with its companion doctrine of checks and balances, it has not proved to be a great safeguard of liberty. Nor has it been favourable to the smooth working of government as a whole. McCarthy and McCarthyism, for instance, have not been conducive to the protection of the liberty of the American people. On the other hand, they held a good many innocent people in fear and mortal dread of legislative committees of enquiry which practised smear tactics and "hit and run" policies. They interfered too much with administration. President Truman in his turn in his 1948 election spared no pains in belittling the House of Representatives and in hauling it over coals of fire. Instead of producing unity and harmony in the working of government, the doctrine of

the separation of powers has frequently produced friction and disharmony. Considering facts such as these, Sabine observes that Montesquieu "was guilty of extreme oversimplification" (162 : 551). "He united his theory to a hasty and superficial analysis of the constitutional principles of liberty" (162 : 551).

Seeing the futility of a rigid application of the theory of the separation of powers to modern conditions, H. Finer divides the powers of government into *resolving* powers and *executive* powers, the former including the electorate, political parties, parliament, cabinet, and the chief of state; and the latter including the cabinet, the chief of state, the civil service and the courts of justice.

In modern democratic States, there are not three, but seven organs of government, closely related to each other and capable of being grouped under 'policy-making' organs of government and 'policy-enforcing' organs of government

LIBERAL POLITICAL THEORY AND ORGANISATION OF GOVERNMENT

Laski's analysis of the liberal political theory is closely related to his analysis of its economic doctrine. Marx regarded the methods of production as the key to all political institutions. The political institutions of a capitalistic state such as the legislature, the presidency, the cabinet, the judiciary and the bureaucracy have to uphold the class interests of the ruling capitalist class. The legislature may in theory be elected by majority vote under a system of universal adult franchise but political parties which participate in elections depend on financial support of the capitalists to achieve electoral success. The executive branch of the government, though elected directly or indirectly by the people, has to pursue policies which are approved by the capitalists, whose non-cooperation by paralysing economy may bring down any elected cabinet from power.

The judiciary and bureaucracy similarly show a bias towards the interests of property-owners. Laski almost agrees with the Marxian view and this leads him to argue that the key to political institutions of the liberal state will be found in the capitalistic methods of production. But he does not believe in economic determinism as an inflexible dogma. He thinks that the social process is too complex to be adequately explained by a simple formula.

The political theory of liberalism was formulated partly on the basis of abstract writings of some political thinkers mainly English, French or American and partly as a generalization from the working

of political institutions of those countries. England has been the pioneer home of liberal thought and practice. The United States and France also joined the fraternity of liberal states by the close of the eighteenth century. While the character of liberal political thought remained comparatively moderate in England, the expression of liberal political ideas in France and America showed a much more radical bias. The reason behind it was that the English people had already established constitutional government in their country while the French and Americans had yet to wage a violent struggle to achieve the same in their respective countries. Moreover, if the continental political thinkers emphasized dialectical conflicts and logical extremes, the British people had evolved the philosophy and technique of reasonable compromise and practical adjustment.

Liberalism in England:

In England the political objective of the liberal writers like Bentham, James Mill and John Stuart Mill was to secure a reform of Parliament in which the landed interest still exercised a preponderant influence. It was pointed out that both the ruling parties represented a small circle of feudal families and this defect could not be remedied unless the basis of representation was widened to include the suffrage of the middle class. They advanced new theories of representative government and advocated practically universal suffrage. The earlier utilitarians like Bentham and James Mill were more interested in good government than in individual liberty. John Stuart Mill attached equal importance to both. Herbert Spencer was more devoted to individual liberty and could not sacrifice it at the altar of good government. Thomas Green suggested positive checks to regulate individual liberty in the interests of social welfare. It shows that the liberal political theory was not static but considerably dynamic which had to adjust itself to continuously changing surroundings.

Liberal Thought in France and America :

In France and America the liberal political thought was mainly cast in the form of republicanism. While in England the liberals had refrained from making any frontal attacks on monarch, the French and American liberals regarded monarchy as inconsistent with liberal principles. The reason for this divergence was not difficult to explain. The British monarchy was no longer a hindrance in the path of representative government which the English middle class secured

through Parliament and the cabinet system. In France and America, the monarchies had been instrumental in withholding from their peoples the right of democratic self-government which they could win for themselves either through a revolution as in the case of France or through a successful war of liberation as in the case of America.

Two Aspects of Liberalism :

The political implications of Liberalism can be described in its two broad aspects. In the first place, Liberalism is a theory of *political organization*. Secondly it is a theory of the *rights of the individual*. Both these theories form a unified pattern because both of them have been derived from the economic exigencies of the middle class which has established its supremacy in the economic field and is trying to consolidate its victory in the political sphere as well.

A Theory of Political Organisation :

As the middle class had no use for the feudal particularist state, the liberal theory came forward as a champion of state sovereignty. Bentham and Austin developed the conception of absolute, indivisible and inalienable sovereignty but this sovereignty was to be exercised by an elected legislature in which the middle class ought to have a preponderant representation. In England the Liberal theory became a *defence of responsible, parliamentary government*. In America the institutional pattern was different from that of England but the triumph of the representative principle was even more emphatic in the American constitution. The trusted representatives of the middle class exercised effective law-making power through Parliament or Congress and the executive power similarly vested in the President or a cabinet in whom the middle class had an equal confidence. In the judicial sphere, the courts were emancipated from feudal control and securely placed in middle class hands. The lawyers and judges, who operated the judicial system, used it as the instrument of middle class conceptions of justice.

A Theory of Rights:

The second constituent element of the Liberal theory has been its characteristic theory of rights. Laski is of opinion that the Liberal theory of rights was as much the product of the particular class interests as the Liberal theory of political organization. In order to understand the Liberal theory of rights, it is necessary to define

Laski's own conception of rights in general. Rights, as Laski would say, do not mean "the grant of some historic conditions possessed in the childhood of the race, but lost in the process of time.....Nor do we imply by rights the reflection of a natural order which lies behind the shifting appearance of contemporary society" (47 : 89). The legal theory of rights, as developed by Hobbes, Bentham and Austin, also does not appeal to Laski. "A legal theory of rights," says he, "will tell us what in fact the character of a state is; it will not tell us, save by the judgment we express upon some particular State, whether the rights there recognized are the rights which need recognition" (47 : 91). What Laski thinks is that the conception of rights cannot be static which may be applicable to different political societies indiscriminately. "Rights are asserted in a new form", says he, "as the rights which have gained the cognisance of law become inadequate or outworn. They have a content which changes with time and place" (47 : 92).

Defence of Private Property :

The liberal theory of rights in this way asserts only those rights which were necessary for the realization of the peculiar interests of the middle class. In the first place, it asserts the right of private property but the interpretation of this right is strictly in conformity, with the middle class norms (49:36). The liberal writer, who waxes eloquent on the sanctity of bourgeois property, does not show the same respect for the feudal right in land. After the French Revolution, the large landed estates of the French nobles were taken away from them and were distributed among the French peasantry. The French liberals regarded this act of appropriation as quite just and normal. Similarly, the liberal conception of liberty was formulated from the point of view of the middle class. How circumscribed this view was is evident from the fact that the liberals considered the workers' right of forming a trade union as a negation of individual liberty while the capitalists enjoyed full freedom of organizing themselves. In England, the Common Law has always interpreted rights in such a way as to favour the richer classes against the poorer sections of the society. In the U.S.A., the Supreme Court has performed this discriminatory function with a similar zeal and efficiency.

It is quite evident that Laski could not be satisfied with the liberal theory of rights which views them from the stand-point of the

middle class. He has suggested a redefinition and reinterpretation of rights from the point of view of the community in general and the working-class in particular which constitutes a large majority of every nation. He thinks that privilege and liberty cannot exist side by side. In a capitalist society, there can be no genuine freedom because the freedom of the many is circumscribed by the privileges of the few. True liberty for all can develop only in an atmosphere of socialist equality. Laski, therefore, evolves a new conception of socio-economic rights in place of the old conception of liberal-individualistic rights.

DEMOCRACY

I. DEMOCRACY UNDER REVISION

IT IS A COMMONPLACE observation that the world today is not as hopeful of democracy as it was in previous generations. Its attitude is one of caution, if not of criticism. World War I, in the words of Woodrow Wilson, was fought to make the world 'safe for democracy'. But the problem which has confronted it since then is, how to make democracy safe for the world? The years succeeding World War II have shown clearly that democracy is not an open 'sesame' to peace, prosperity, and progress. In the multitude of voices, we do not necessarily find wisdom. We no longer hope with Bentham that we can radically improve 'this wicked world by covering it over with Republics'. We are more sober now, if not, altogether disillusioned.

Democracy is being attacked today from various angles, both by reactionaries and revolutionaries. It is attacked with much vehemence by believers in autocracy and dictatorship. Many of these advocate the gospel of direct action, according to which a well-organized, strong-willed, and assertive minority should impose its will upon the helpless majority by remorseless terrorism, if necessary.

Therefore, majorities should be disregarded and coerced for their own good. Direct action, in one of its phases, means the unreserved use of industrial power. 'It is a clear assertion of the antagonistic principle of oligarchy and ultimately of despotism'.

H. G. Wells is convinced that there has been a growing distrust and discontent with politicians and the political method evolved by parliamentary democracy.

The ranks of the critics of democracy are being fortified by those who believe in the doctrine of the *elite*. According to them, democracy is founded altogether on wrong premises. It assumes that the common man understands political issues in all their complexity and that he has the capacity to govern himself. Both of these assumptions are challenged by the advocates of the doctrine of the *elite*. According

to them, a vast majority of people are incapable of understanding political problems and are thoroughly incompetent to govern themselves. Therefore, government should be vested in the hands of the few who are wise and capable.

2. THE MEANING OF DEMOCRACY

Democracy is not a mere form of government. It is a type of State as well as an order of society. Even friends of democracy have at times interpreted democracy to mean only a form of government. Thus J. R. Lowell says that democracy is only 'an experiment' in government. Lincoln defines it as 'government of the people, by the people, and for the people.' Seeley describes it as 'a government in which everyone has a share.' Dicey defines it as a form of government in which, 'the governing body is a comparatively large fraction of the entire nation'. Even Lord Bryce, in his monumental work *Modern Democracies*, treats it as only a form of government.

Democracy is not a mere form of government; it is not primarily a form of government. A democratic government implies a democratic State, but a democratic State does not necessarily mean a democratic government. As Hearnshaw remarks, all that a democratic State means is that the community as a whole possesses sovereign authority and maintains ultimate control over affairs. 'Democracy as a form of State is merely a mode of appointing, controlling, and dismissing a government'.

In addition to being a form of government and a type of State, democracy is an order of society. A democratic society is one in which the spirit of equality and fraternity prevails. Such a society does not necessarily imply a democratic State or a democratic government. The Mohammedan society is on the whole democratic, although it does not generally possess a democratic State or a democratic government. The new state of Pakistan calls itself an Islamic Republic. In the opinion of many, theocracy and democracy are mutually exclusive of each other.

The meaning of democracy is not exhausted even after interpreting it as a form of government, a type of State, and an order of society. It invades the realm of industry too. There are many today who claim that the battle for democracy will not be complete till industry is entirely democratized. They argue that, while democracy has made great strides in the social and political fields, it has made

very little advance in the economic or industrial field. Some of these look forward to socialism as the next step in democracy. Whether their claim is right or not, we must admit that no society can call itself entirely democratic if it uses democratic methods in some fields and autocratic methods in others.

In the last analysis democracy embodies a moral principle. It means that every man has value. It enshrines the truth that government does not exist for its own sake, but for the enrichment of personality. No government has a right to be called a democracy if it does not bring out the best in man.

Direct and representative forms of democracy. Democracy in its narrow sense means rule by the many. For its origin it goes back to the old Greek city States, all of which enjoyed complete local autonomy. They experimented with different forms of Government—monarchy, tyranny, aristocracy, oligarchy, and democracy. There was considerable speculation as to which one of them was the best. After weighing the arguments for and against the various forms, Aristotle gave his verdict in favour of polity or a moderate form of democracy. The type of democracy which prevailed in the Greek city-states was pure or direct democracy. All the freemen met together in general assemblies, passed laws and executed them, received ambassadors, and acted as jurymen. This type of democracy was revived in mediaeval times by Italian city States. The Forest Cantons of Switzerland also had direct democracy, which has come down to modern times. Rousseau in the eighteenth century was a powerful advocate of this type of government. He deprecated indirect or representative democracy. But even he saw the difficulty of realizing direct democracy on a large scale under modern conditions. Thus he says that pure democracy presupposes many things difficult to combine. It presupposes: — a direct Govt

- (1) a small State, in which people may be easily assembled, and in which every citizen can easily know all the rest;
- (2) great simplicity of manners;
- (3) considerable equality in rank and fortune; and
- (4) little or no luxury.

Present-day experience shows that democracy of the pure and direct type is an absolutely unattainable ideal. The only type which is possible for us today is the indirect or representative type. According to it the actual administration of affairs is taken from the hands of the people and is vested in delegates. The nearest approach that we

find to direct democracy in some modern States is in the form of the referendum, initiative, and recall. These devices are by no means capable of universal application. Some of the other devices which are much more common are the widening of the electorate, responsibility of government to the majority party, frequent elections, and local self-government. Democracy and Parliamentary government are not necessarily identical, although for England and other countries which have adopted the English political model, democracy is indissolubly connected with Parliament

Forms of Government. The time-old classification of government into monarchy, aristocracy, and democracy does not have much value for us today. Most governments at present are of a mixed type. They include the monarchic, aristocratic, and democratic elements in various degrees. The English constitution may appear to be monarchic on the surface. But it is fundamentally democratic, with a strong tinge of aristocracy. What experience shows is that a sound democracy should make room for, and include, a sound aristocracy—not an aristocracy of birth or wealth, but an aristocracy of intellect, ability and character. Bryce remarks that all governments are in fact aristocracies, in the sense that they are carried on by a relatively small number of persons. Another recent writer says that every form of government which has ever existed is aristocratic.

There are different types of democratic governments today. Bryce says :

- (1) they can exist under republic or a nominal monarchy.
- (2) they can exist under a rigid or flexible constitution.

But they are all based on the doctrine of popular sovereignty. As a consequence of this feature, the right of raising revenue and appropriating it to the several services of the State belongs in all these systems to the representatives of the people. They are all worked by political parties.

Democracy in its broader sense. In its broader sense democracy is 'a political status', 'an ethical concept', and 'a social condition'. It means faith in the common man. Or, as A. D. Lindsay states it, it implies that all beings have a worth in themselves. No one is a mere means to another's end. The well-known formula of Kant in this connection is, 'So act as to treat humanity, whether in your person or in that of any other, in every case as an end, and never merely as a means'.

The value of personality which is the crux of democracy does not

mean that all individuals are alike or equal. 'Democracy in practice', says C. D. Burns, 'is the hypothesis, that all men are equal which is used in order to discover who are the best'.

Democracy, we believe, is a practical manifestation of the enthusiasm for humanity. It is a concrete attempt at the reconciliation of the apparently contradictory principles of liberty, equality and fraternity, in order that every individual in the community may be enabled to attain the highest good possible for him.

3. THE CLASSICAL CASE FOR DEMOCRACY

1. *The Precautionary Reason.* (Democracy gives us a guarantee that the will of every one in the community shall be duly considered, and that no one shall be neglected in what is done by the government) If efficiency were the only test of good government, a bureaucracy or even a dictatorship might be a better form than democracy. But efficiency is not the only test. The best government is that which makes the best possible citizens. In an autocracy or a bureaucracy, individuals and groups of individuals may suffer here and there without affecting the rest of the community. In a democracy, on the contrary, at least in theory, there is not a single man who can suffer without the rest of the community sharing in his suffering. An autocracy or a bureaucracy, in other words, is partially paralyzed. A democracy, on the other hand, is considered to be equally sensitive to the wishes and sufferings of all its members. Democracy, says Prof. Hocking, ties a nerve to every individual. It makes a connection between him and the centre. In it there are as many incoming connections as there are outgoing connections. 'In a complete democracy no one can complain that he has not a chance to be heard.' (A. L. Lowell).

2. *The Psychological Reason.* Efficiency, as said above, is not enough. Soulless efficiency killed Rome. In every form of government, we shall always try for government by specialists. But specialists do not know the whole mind of the people. Specialization warps the intellect. The specialist knows his side of the case exceedingly well. But he does not always know how his prescriptions affect the people at large. It is the wearer who knows where the shoe pinches. What good government requires is a co-operation or working alliance between the specialist and the layman, and democracy best fulfils this condition. Prof. Hocking goes so far as to say that to be governed

by the highly educated man alone is a calamity. Such a ruler is apt to be too abstract and doctrinaire, far removed from the concrete situations of life.

3. *The Educational Reason.* Democracy is a large-scale experiment in public education. It stimulates interest and is informative. It tends to create a higher type of mentality among the people whom it governs. When a general election takes place every reasonable opinion is given a chance to express itself. Issues are discussed in all their bearings, and what was private soon becomes public. Speeches are delivered, articles are written, programmes are outlined, and policies are propounded. The result of all this is a phenomenal rise in the popular understanding of the problems of government. C. D. Burns writes : 'All government is a method of education, but the best education is self-education ; therefore the best government is self-government which is democracy'.

4. *The Moral Reason.* Democracy ennobles the people. It rests on the principle that what a man earns for himself by his own efforts is of much greater value to him than what is handed down to him by some one else. It is the best aid to self-help, initiative, and the cultivation of individual responsibility. The supreme merit of democracy, says J.S. Mill, lies in the fact that 'it promotes a better and higher form of national character than any other polity whatever'. Bryce likewise says that the dignity of individuals is enhanced by political enfranchisement. Democracy, we may add, is conducive to the development of all-round man. Under no other form of government is self-realization as easily possible as under democracy.

5. *The Practical Reason.* From the practical point of view, democracy has several advantages.

- (1) It promotes patriotism. The French people, says Laveleye, never really loved France until after the Revolution when they were admitted to a share in the government. Since then, they have become passionate lovers of their country.
- (2) A corollary of the fact that democracy promotes patriotism is that it reduces the danger of revolution. Democracy is government by persuasion. Every other form of government rests to a greater or less extent on force. Democracy believes in discussion and deliberation, and this is the only method which is bound to succeed finally.

In addition, democracy is the only form of govern-

ment where both order and progress can easily go together. This fact constitutes another check on the possibility of revolution. Dictatorship gives us order, but not much progress.

A further way in which democracy acts as a check on revolution is by emphasizing the principle of equality. It knows of no sharp social cleavages and provides, on the whole, an open road to talent. Social inequality and social discontent which often prevail in other forms of government are bound to take a revolutionary turn when an opportune moment presents itself.

- (3) Some writers claim that democracy makes for greater efficiency than any other form of government. They argue that 'popular election, popular control, and popular responsibility are more likely to insure a greater degree of efficiency than any other system of government' (23 : 390).

4. THE CASE AGAINST DEMOCRACY

Whatever the merits of democracy may be in theory, there is no doubt that it has been accompanied by many evils in daily practice.

1. The attacks on democracy in its early stages took an aristocratic turn. There were many who felt that democracy meant rule by the irresponsible multitude. Aristotle regarded it as a degenerate or perverted form of constitutional government. Mill feared the tyranny of the majority. Lecky thought that democracy was opposed to liberty. Even today there are those who claim that democracy attaches undue importance to quantity rather than to quality. Votes are counted and not weighed. Special training, conscientious judgment, and expert knowledge receive little consideration. It is a government by crowds. It exalts mediocrity and inferiority. It makes the majority supreme, even if it be a very narrow majority. The minority which may have greater knowledge and better judgment is spurned. In a democracy it is difficult to secure enforceable responsibility.

2. There are others who adopt somewhat different line of argument from the one sketched above. They argue that democracy in practice leads to oligarchy of the worst kind. Talleyrand describes it as 'an aristocracy of blackguards'. Power in a democracy falls into the hands of the demagogue, the grafter, and the 'boss'. Leaders

of first-rate ability are not chosen. People are jealous of superiority. Therefore, they choose popular men rather than able men to lead them. Stating the case against democracy, Maxcy says that it easily falls a prey to demagoguism, bossism, and vicious pressure politics.

The average voter, it is said, is not much interested in matters of State. On many subjects that are discussed, there is no general will or common mind. The apathy of the voter in many democratic countries is proverbial.

3. In close connection with this argument it is often said that democracy means in practice the evils of party politics and that political parties constitute an invisible oligarchy. While the party system is indispensable to a democracy, it

- ✓(1) encourages hollowness and insincerity ;
- ✓(2) carries the national divisions into local elections ;
- ✓(3) leads to the 'Spoils system' ; and
- ✓(4) debases moral standards (7 : Vol. I, Ch. XI).

The party machine is so well-worked that the individual citizen who wants to exercise his judgment is given little or no freedom. He has to choose between two or more candidates who may be either knaves or fools and for none of whom he cares, and decide between two or three issues, none of which meets with his approval.

4. The French writer, Faguet, describes democracy as the cult of incompetence. It is a government by amateurs or those who are hopelessly immature. It rests upon a broken reed inasmuch as it rests upon the common multitude which is ungrateful, emotional and passionate. The common people do not reason much. Today they laud a man to the skies and tomorrow they cast him down in the mire. They are inconstant and fickle in their attachment both to principles and to persons. They are not swayed by any consistent and unifying ideals. At times they are given to idealism and hero-worship ; they are easily swept off their feet by such shibboleths as 'self-determination of nations' and by such catchwords as 'Hang the Kaiser'. At other times they become obscurantists and obstruct all progress. In the words of Hearnshaw, they are like school masters elected by their pupils and liable to be punished and dismissed by them. Majority rule, it is claimed, always tends to become majority tyranny.¹

1. For a detailed criticism of Democracy see Hearnshaw : *Democracy at the Crossways*.

5. Those who attack democracy from the psychological standpoint argue that people, in the words of Maxey are sheep-minded, ape-minded, and wolf-minded. In other words "they are credulous, impulsive, panicky, intolerant, unconscionable, cruel, unjust, stupid, and everything but rational". The democratic government, it is further said, is "prone to indecision, feebleness, instability, and stupidity because of the volatility, irrationality, and ineptitude of the masses."

6. It is claimed that democracy is a government by the people. The critic asks whether this is really so in practice. Who are these people in whom wisdom, justice and power are supposed to be embodied? Does it mean a majority of electors? Even if it be granted for the sake of argument that a majority vote often represents majority opinion in the country, we have to face the further query whether the majority is necessarily right? The voice of the people may very well be the voice of the devil. To assume that representatives always 'represent' the will of the people is a mistake. They may consciously or unconsciously misrepresent it. They are not always free men. They are subject to strict party discipline and are at times more afraid of newspapers and of vested interests than of their electors.

7. One of the forcible arguments used by Faguet against democracy is that it is a biological misfit or a biological monstrosity. What Faguet means by this criticism is that democracy is not in line with the process of evolution. He argues that the higher we ascend in the scale of evolution the greater is the degree of centralization. Casting off figurative language, what Faguet means is that government should be in the hands of an intelligent oligarchy and that the many should implicitly obey it. He interprets the democratic form of government to mean extreme decentralization and thorough incompetency.

Those who adopt the biological and ethnological argument at times claim that non-white races are incapable of practising democracy in comparison with the white races.

8. A serious charge laid at the door of democracy is that it is a very expensive form of government. Democracy means organization of opinion, propaganda, and frequent elections. All this involves a great deal of expenditure. Money which should be used for productive purposes is spent on electioneering and 'nursing the constituency'. The wastefulness of democracy is a fact which cannot be easily controverted. There is waste not only of money, but also of time and opportunity. According to some thinkers, says Maxey, democracy is

the most inefficient and extravagant, the most factional and intolerant, the most hostile or indifferent to progress.

9. Even the moral value of democracy has been seriously questioned by some. These critics say that there is always in democracy a temptation to falsify. Issues are to be vulgarized and popularized before they can make an appeal to the people. Questions are not discussed dispassionately. They are discussed in such a manner as to catch votes.

Bribery and corruption are said to be the common abuses of democracy. In his chapter on 'The Money Power in Politics' (9: Ch. LXIX), Bryce shows that there are several instances of electors, members of legislatures, administrative officials, and even judicial officials succumbing to the temptation of illicit gain. This abuse, however, is on the whole on the decline today. In India, however, since Independence the opportunities for illicit gain have become greater and because of that, the numbers taking advantage of them larger.

10. Democracy, it is said, is a process of diseducation, rather than of education. It flatters people. It produces a pretentious proletariat. It hides from people their deficiency. It engenders in them a false sense of equality. Every man thinks that he is as good as anybody else, for the governance of his country. It calls for no special effort and training. It lowers standards. It makes people think too well of themselves in literature, science, and art. Appeal is made to mob psychology, and every effort is made to pander to the people. People as a whole are indifferent, if not hostile, to the advancement of education, science, literature and art. They are more apt to run counter to scientific conclusions than are the privileged classes. The civilization which a democracy produces is said to be 'banal, mediocre or dull' (Burns).

11. Democracy, it is said, is not friendly to liberty and individuality. It is meddlesome. McCarthyism in the U. S. A. in recent years being a supreme example of it. Several critics have drawn attention to the fact that there is in democracy a 'large and increasing mass of hasty and ill-digested legislation' (54: 613). The average representative not infrequently feels that the only way in which he can justify his existence in the legislature is to help to place some new law or another on the statute books.

12. There are many instances in democratic countries of local interests tending 'to obscure and to defeat the interests of the State

at large' (54: 164). In the scramble for power and patronage, the general well-being of the State is apt to be brushed aside in order to do some good to a limited number of people. Representatives vie with each other in obtaining whatever they can, irrespective of its effect on the welfare of the country at large in order to curry favour with their electorate. The recent furore over the creation of linguistic States in India is an excellent example of the part taking the place of the whole and of one part savagely fighting another.

Lord Bryce sums up the chief faults observable in modern democracies as follows:

- (1) 'The power of money to pervert administration or legislation.
- (2) 'The tendency to make politics a gainful profession.
- (3) 'Extravagance in administration.
- (4) 'The abuse of the doctrine of equality and failure to appreciate the value of administrative skill.
- (5) 'The undue power of party organization.
- (6) 'The tendency of legislators and political officials to play too votes in the passing of laws and in tolerating breaches of order' (9: Vol. II, p. 504).

5. EVALUATION OF THE CRITICISMS AGAINST DEMOCRACY

Many of the above criticisms undoubtedly contain elements of truth. But for the most part they are mere caricatures. It is interesting to note that some of them mutually cancel each other. Thus, according to some writers, democracy means hero-worship and idolatry, while, according to others, it means insubordination and anarchy. Some say that democracy is given to idealism and worship of abstract theory, while others contend that in a democracy there is no place for sentiments and principles. These mutual contradictions contain their own refutation.

1. If democracy is a bad form of government, we are justified in asking, What is the way out? Is there any other form of government which is as good as democracy, if not better? Our answer is in the negative. The world has tried aristocracy and oligarchy at various times and has found them to be generally failures. We cannot go back to them; for, in the striking words of C. D. Burns: 'No one denies that existing representative assemblies are defective; but even if an automobile does not work well, it is foolish to go back to a farm cart, however romantic' (9: 80). The world is not yet fit to inaugu-

rate the type of society which the philosophical anarchists have long dreamed about. The tendency for some time past has been in the direction of dictatorship. Whatever be the merits of dictatorship, there is no gainsaying the fact that, inasmuch as dictatorship is a denial of individual liberty and initiative, it is contrary to the development of personality, which we conceive to be the supreme end and destiny of man. Dictatorship suppresses all criticisms and all organizations which are not its own.

2. Democracy is blamed today for many of the evils which two wars have brought about. The world-wide depression and unemployment of the thirties and the inflationary trends of today are the result of the unsettled conditions of the world for which democracy alone is not responsible. The sad plight in which the world finds itself today, economically, politically, and internationally is not one in which the true merits of democracy can be impartially judged. As A. L. Lowell observes: 'It is not fair to rate the soundness of a man's judgment by his behaviour when fighting, when drunk, or when scared. Nor can we measure democracy by events that occur under highly abnormal conditions.'

3. Faguet describes democracy as an unbiological arrangement and claims that it expects the brain to be located anywhere and everywhere in the social organism. This is not a sound criticism. Democracy is not a plea for the dissipation of authority. As said above, a sound democracy makes room for and includes, a sound aristocracy. In the words of Mazzini democracy is 'the progress of all, through all, under the leading of the best and wisest'. Modern democracies realize that government is an art, and that it can be safely entrusted only to those who have made a speciality of it. Democracy, we repeat, does not exclude government by experts. While in an aristocracy the expert may hold himself aloof from the people, in a democracy he is expected to possess the necessary social virtues which will enable him to feel at home with the people whom he is called upon to govern. It is needless to say that the difference is in favour of democracy. British democracy abounds in men of ability and distinction although the British cabinet government is often described as a 'government by amateurs'.

In the light of all this, we refuse to believe that democracy is an incompetent form of government.

As regards the biological and ethnological assumption that democracy is a speciality of the white races, Maxey is right when he says;

"There is no credible scientific proof that the white races are innately superior in political genius or any other mental quality to the black, brown, or yellow races". (Ibid., p. 687). Ancient India and China had well-developed and well-conducted forms of local self-government.

4. Those who are uncompromisingly opposed to democracy point the finger of scorn at the common people and say that they are incapable of governing themselves. We demur to this point of view. We admit that the choice of leaders in a democracy has not always been happy. But for this the people are not altogether to blame. Choosing the wrong type of leaders may be partly the result of autocracy, and not of democracy. Prestige attached to wealth, power, and rank in society is not yet dead. The remedy is not to lessen democracy but to increase it. It is a mistake to think that people always make wrong choices. Experience in democratic countries shows that people are better judges (a) of men than of measures; (b) of negative measures than of positive ones; (c) of questions involving general policies than of technical and detailed questions; (d) of matters which involve ethical principles (*e.g.*, questions of foreign policy) than of those which arouse their emotions and passions.

In reply to those who claim that the average man is not interested in governing himself and that the greatest indictment of democracy is the apathy of the voter, we may say that other forms of government do not show better results. If there are periods of apathy in popular interest in a democracy, there are also periods of intense interest and keen devotion. A non-democratic form of government is sure to win the support of people as long as it confers boons upon them but the moment it imposes burdens, there is profound discontent.

5. Although some of the present-day critics of democracy decry the principle of representation, they are unable to free their minds of it entirely. No reputable thinker today is prepared to justify unadulterated autocracy. It is instructive to find that even the most ardent supporters of dictatorship justify it on the plea that it is truly representative of the people. Whether we agree with their interpretation or not, the point is that the principle of authority on the basis of representation has become a permanent part of political philosophy today. If we are agreed on this point, the further question concerns the most effective way in which people can be represented. We demur to the point of view which claims that dictatorship is truly representative of the people, especially when we take into account the fact that it stifles criticism and a free expression of opinion.

6. To the charge that democracy necessitates party government and that party government is an unsatisfactory way of dividing opinion, our reply is:

(a) Parties are inevitable, for without them it is impossible to operate a democratic government. Parties bring order out of chaos. They mould and educate public opinion. As Bryce remarks, 'parties keep a nation's mind alive, as the rise and fall of the sweeping tide freshens the water of long ocean inlets'.

(b) 'Party discipline', to quote the same writer again, 'puts a check on self-seeking and corruption'.

7. To the charge that democracy means diseducation, there is perhaps no satisfactory answer on the basis of facts. The diseducation of the masses can be gradually overcome by instilling into people a spirit of teachableness. Already we see signs in that direction. We concede to the opponents of democracy that there is considerable waste and extravagance in a democracy. But our plea is that this is not a necessary evil. Education of public opinion will go a long way in overcoming it.

8. Alongside of waste and extravagance, bribery and corruption are common in most democracies. But for these, we have to blame the general life of the country and not democracy alone. Lowell is right when he says that we cannot fairly attribute to democracy evils tolerated in the commercial life. 'Right and wrong have always existed and always will'. A lack of probity in public life is no new thing'. 'There is certainly less corruption among office-holders now than there was in Europe in the eighteenth century, but popular forms of government will hardly be rid of it until a higher standard is exacted on the street, and those who violate it are socially tabooed'.

9. It is almost a fashion today to proclaim the death of democracy. Like many other fashions, it is possible that this fashion has no solid foundation. In countries like England and the United States, where democracy has been developed and where it has functioned successfully for a long period there seem to be no serious signs of its abandonment. All that the enthusiasm for dictatorship indicates is that democracy should adjust itself to changing condition. As pointed out by Dr. A. D. Lindsay: 'A democratic society sure of itself can be indefinitely elastic in its methods'. It can, as in a time of crisis, give enormous powers into the hands of its government, in cheerful confidence that, the crisis past, it can take them back' (52:17).

The way in which Churchill in England and President Roosevelt in the United States acquired enormous powers in the course of a relatively few years and the way in which their countrymen calmly and confidently acquiesced in such an extension are a sign not of the weakness but of the strength of their democratic faith. Much the same thing may be said of the extraordinary influence of the late Nehru over the people of India during the past decade.

10. Some say that democracy is a myth and that there is nothing like it on land or sea. One possible answer to it is that men live by myths. If so, why not they live by the myths of democracy, natural rights, equality of man, and general will? Dewey says, "The foundation of democracy is faith in the capacities of human nature; faith in human intelligence and in the power of pooled and co-operative experience".

6. REMEDY AND CONCLUSION

The conclusion to which we are inevitably led is that democracy has no absolute worth, it has only conditional worth. It does not contain a panacea for all the ills of the world. The worst failings of democracy are due to immaturity and are likely to be overcome with growing experience. Its supreme value is ethical and educational. The foundation on which it rests, viz., the worth of every human personality is unshakable. We believe that De Tocqueville is right when he says : "The progress of democracy seems irresistible, because it is the most uniform, the most ancient, and the most permanent tendency which is to be found in history".

Democracy, we believe, is a right organization, embodying a sound principle. The evils which we see in it are not inevitable. They can be cured by the people themselves by proper education, reflection, and experience. We do not agree with those who say that the only way to cure the evils of democracy is to end democracy. What needs to be ended is the prevailing international anarchy, using such means as an effective world government, planned economy, disarmament, and the removal of tariff and racial barriers.

If, as we believe, democracy requires to be made genuinely democratic, and not ended, what are the specific ways by which this process can be accomplished?

Prof. Hearnshaw lays down the following conditions :

(1) A high standard both of honesty and of honour. Moral sound-

ness is absolutely necessary. Without clean hands and a pure heart, particularly in the leaders, democracy is bound to fail. A corrupt democracy is the vilest and most hopeless of political organizations. There should be equal rights for everybody, equity in law, and equality of opportunity.

- (2) A high level of intelligence and a sound system of education. Lack of common-sense is dangerous in a democracy. Without a spirit of 'normal reasonableness on the part of the people at large', democracy will degenerate into mob rule or lead to dictatorship.
- (3) A clear consciousness of the community. Democracy calls for 'a strong sense of solidarity, an intense conviction of unity, a pervasive feeling of communal life.' Racial feuds, religious schisms, class conflicts, and social cleavages are bound to weaken democracy.
- (4) A sound public opinion, a sensitive social conscience, and an effective general will. Democracy cannot be much better or much worse than the prevailing public opinion. Therefore, when and where democracy fails, one of the potent causes for it is unsound or ineffective public opinion. To these conditions, we may add
- (5) Social and industrial democracy. If democracy is to succeed, it should invade man's social relationships as well as his economic life. Maxey rightly observes that an industrial democracy should be set up within, or parallel to, political democracy. It is a welcome sign that Indian democracy stresses the importance of democracy in both the political and the economic fields.

J. W. Garner lays down the following as the essential conditions of democracy :

- (1) 'A relatively high degree of political intelligence and abiding interest in public affairs, a keen sense of public responsibility, and a readiness to accept and abide by the decision of the majority' (23 : 405), coupled with respect for the rights of minorities.
- (2) Facilities for elementary education.
- (3) Education in political matters and training in the habits of government.
- (4) A high moral level.

Among the practical suggestions advanced for improving the

machinery of the democratic organization, the views of the following writers deserve mention :

Lord Lothian says :

- (1) That government should be conducted under guarantees of freedom of speech and criticism, and political and economic initiative for the individual; and
- (2) That it should be changeable without violence, at the ultimate decision of an adult electorate.

Andre-Maurois suggests 'an individual leadership for a defined purpose and a fixed period' as a check upon dictatorship. Others suggest a strong executive. Lord Eustace Percy claims that 'the British constitution saves itself by the Monarchical Prime Ministership and that the day when he (the Prime Minister) falls under the domination of party caucus there will be no alternative to dictatorship'. 'Parliament's first and supreme duty is, therefore, to make strong Prime Ministers. Their freedom is its freedom; their strength its strength'.

Other suggestions made by Lord Percy are :

- (1) Parliament should concern itself with broad questions of policy and not lose itself in petty details. It should deal with taxation and expenditure as broad issues of policy, and voice grievances arising out of the misdirection of expenditure and the unfair incidence of taxes.
- (2) Parliament should take the initiative in formulating bills. It should not depend too largely on overdriven government departments for formulating legislative proposals. It should constitute a series of committees of the House for this purpose.
- (3) Other committees of Parliament should be constituted 'to watch the administrative action of particular departments, to examine departmental orders and regulations before their issue, to investigate individual complaints and to make representation to ministers'.
- (4) An economic council should be constituted by Crown nominations, as nearly as possible representative, not of economic opinion, but of economic power.

Writing on 'Parliament as it Should Be' Sir Stafford Cripps claims that the three attributes of democracy are :

- (1) That the people must have a free and unfettered choice of their representatives, with a right of recall at stated periods;

- (2) That the people must signify their choice of the policy that they desire to be carried out;
- (3) That representatives must be able to carry through the desired policy without undue delay and without outside interference from any particular interest or persons.

To give effect to these practical attributes of democracy, Sir Stafford Cripps recommends:

- (1) The abolition of the leisurely methods of nineteenth century law-making;
- (2) The House of Commons taking a bold line when it has the support of the country behind it and effectively controlling the manner and tempo of the nation's progress, not being browbeaten by a non-democratic Second Chamber; and
- (3) The formation of functional committees to supervise the legislative and administrative activities of the ministers.

Lord Bryce concludes his discussion on the relative merits and demerits of democracy in the following terms:

If the optimists overvalued the moral influence of democracy, the pessimists undervalued its practical aptitudes. It has reproduced most of the evils which have belonged to other forms of government though in different forms, and the few it has added are less serious than those evils of the older governments which it has escaped.

- (1) It has maintained public order, while securing the liberty of the individual citizen.
- (2) It has given a civil administration as efficient as other forms of government have provided.
- (3) Its legislation has been more generally directed to the welfare of the poorer classes than has been that of other governments.
- (4) It has not been inconstant or ungrateful.
- (5) It has not weakened patriotism or courage.
- (6) It has been often wasteful and usually extravagant.
- (7) It has not produced general contentment in each nation.
- (8) It has done little to improve international relations and ensure peace, has not diminished class selfishness, has not fostered a cosmopolitan humanitarianism nor mitigated the dislike of men of a different colour.
- (9) It has not extinguished corruption and the malign influences wealth can exert upon government.
- (10) It has not removed the fear of revolutions.

- (11) It has not enlisted in the service of the State a sufficient number of the most honest and capable citizens.
- (12) Nevertheless, taken all in all, it has given better practical results than either the Rule of One Man, or the Rule of a Class, for it has at least extinguished many of the evils by which they were defaced.

CONDITIONS FOR THE SUCCESSFUL WORKING OF DEMOCRACY

1. If democracy is to work successfully, the first important condition is the inculcation of faith in certain fundamental democratic principles. Among these principles, the pride of place must be given to the value of every human being. Democracy, in theory, at least means that every individual is as important as any other individual and that nobody should be neglected in what is done by government. A second important principle to be borne in mind, particularly in present-day India, is that democracy means government by discussion. It is government by consent. This rules out violence and direct action. The one important right which a minority has in a democracy is to convert itself into a majority by constitutional means.

2. Without popular education no democracy can long endure. It is not claimed that education alone can make a democracy successful, but it is a great help. History has known of educated crooks. Barring such people who are more the exception than the general rule, it may be said that education helps a person to be well-informed, balanced, and discriminating. With eighty to eighty-two per cent of illiterates in India, the prospect for democracy is not too bright unless speedy steps are taken to liquidate illiteracy.

3. Popular education should be supplemented by a high degree of citizenship and a spirit of law-abidingness. No democracy can long endure unless both leaders and the people possess clean hands and a pure heart. If democracy is to succeed, the average citizen should be prepared to play his part in the civic life of the community. He should be willing to vindicate the rights of others, and not simply stand on the side lines and allow the innocent to suffer. If eternal vigilance is the price of liberty, it is equally the price of democracy.

4. In modern times stress is laid on economic equality and equality of opportunity as far as possible. While economic equality need not mean identical reward for everybody, it certainly rules out great disparities in income. The successful working of democracy these

days requires that there should be no great wealth on the one hand and no abject poverty on the other. Aristotle discovered an important truth centuries ago when he said that a strong middle class was the backbone of a democracy. It makes for both stability and progress.

5. Democracy, in one of its important phases, means social equality. Caste and class differences and social distance between one person and another mean the undoing of democracy. One of the most encouraging things happening in India at present is the general disappearance of caste exclusiveness among the educated and city-bred people. It still raises its ugly head in the rural areas; but even there it is only a question of time when it will disappear altogether. Linguistic and provincial differences, however, are not declining to any considerable extent. In a democracy there should be an open road to talent and talent should not be allowed to perish because of lack of opportunity. Such a situation can be created by providing free education, a liberal system of freeships, and scholarships, and public offices being filled purely on grounds of ability and character. That the latter is still not the general rule in India has to be admitted with regret.

6. If democracy is to succeed, there is need for carefully selected leaders. Once they are chosen the people should trust and respect them. The flouting of leaders is just as bad as kowtowing to them. Flattery and adulation of those in power can never make a people great. Yet the general rule in India is "the gods may change, but the worshippers remain the same". There is need for people to distinguish political principles and policies from personalities, and not be unduly tied down to individuals. Leaders in their turn should have convictions of their own and stand by them and not be swayed back and forth by every gust of public opinion. A reason why Kennedy in the U. S. A. and Nehru in India were tremendously popular among their respective peoples was that they refused simply to bow to crowd mentality.

7. Too many popular elections are not conducive to the successful operation of democracy. In this connection one must look askance at the election of judges and heads of administrative departments for short periods, as well as of members of school boards, all of which is common in several of the states of the American Union.

8. If the electorate is not to be burdened with too many elections, neither should it be bothered with the submission of too many issues

to it. At the same time the electorate should be consulted on all principal issues. No Parliament or a member of Parliament has a right to go against the deliberately expressed wishes of the electorate at the previous election or in some other equally effective manner. While in doubt, Parliament or its individual members should go back to the people for a mandate.

9. It is often assumed that people are fair judges of issues involving moral principles such as the issues of war and peace, international friendship and understanding, and communal harmony. But recent happenings have tended to shake this faith. It is possible, however, that with the removal of the extraordinary conditions under which mankind is living today, such faith can be restored.

10. If a democracy is to work well, the people must have easy access to accurate and unbiased information on both domestic and international matters. That such is not the case in a good part of the world has to be admitted with sorrow. Freedom of thought, freedom of speech and writing, and freedom of association are the very life breath of democracy.

Our conclusion of the whole discussion on democracy may well be that of Edward Carpenter : 'O, disrespectable democracy, I love thee'. In the words of T. V. Smith : 'If one cannot gain heaven, it is foolish to despair if there still remain in one's hands the means of avoiding hell'.

A NOTE ON PUBLIC OPINION

There can be no doubt that modern democracy and public opinion are very closely intertwined. The extension of franchise, the organization of political parties and of legislatures constituted on a popular basis have all tended to highlight the importance of public opinion. A has renowned Spanish writer, Jose Y Gasset, rightly remarks : "Never any one ruled on the earth by basing his rule essentially on any other thing than Public Opinion" (107) .

Although the term 'public opinion' is used widely, particularly by politicians and public men, like other terms in political science, it is open to different and, at times, confusing interpretations. As a recent writer puts it, it is often a vague stereotype tossed about by writers and speakers, while dealing with economic and political matters. Roucek strikes a note of caution when he says : "Care must be taken to clarify the concept of public opinion and propaganda—

always keeping in mind that the term is something to be studied rather than just defined" (160 : 355).

Various definitions have been attempted of public opinion. L. W. Dobb writes : "Public opinion refers to people's attitudes on an issue when they are members of the same social group" (97 : 35). To Roucek "public opinion is in the nature of a consensus arrived at on the basis of the predominating cross-currents of view that prevail in a given time or place... It is a relatively homogeneous expression of preference by members of a group concerning issues which though debatable, concern the group as a whole" (97 : 358).

Wilhelm Bauer distinguishes 'public opinion proper' from 'opinion which is voiced in public'. The latter is essentially personal in character, whereas public opinion "is a deeply pervasive organic force, intimately bound up with the ideological and emotional interplay of the social groupings in which since the earliest times gregarious individuals have come together ; it articulates and formulates not only the deliberative judgments of the rational elements within the collectivity but the evanescent common will, which somehow integrates and momentarily crystallizes the sporadic sentiments and loyalties of the masses of the population"¹.

Morris Ginsburg, a noted sociologist says, "public opinion is a social product due to the interaction of many minds" (109 : 145). Kimball Young, an American psychologist, writes : "Public opinion consists of the opinions held by a public at a certain time" (171).

An analysis of these views, says Roucek, suggests that public opinion implies four things. In the first place there is a group of members or a 'public'. Secondly, these members of the group have issues of common interest about which they communicate with each other, although at times they may differ from one another to some extent. Thirdly, there is a leader, or leaders of the group, who take upon themselves the task of formulating opinion on certain important issues at a given time and of drawing the attention of the members of the group to that opinion. Fourthly, comes the adoption of this opinion by the members of the group and of acquiescence in the action necessitated by such opinion.

Another writer says that controversy is the very essence of public opinion. In the formulation of it there is the interplay of ideas and

1. Wilhelm Bauer : Public Opinion (Article contributed to the Encyclopaedia of Social Sciences, Vol. XII, p. 670).

conflicting forces. When opinion has behind it the support of a large percentage of the group it appears as truth for the time being. But when this truth is contradicted by new facts and observations, it once again becomes opinion. Thus there is a see-saw relationship between truth and opinion at a given time in a given group, the distinction being that "truth is accepted as fact ; opinion only as a belief".

There seems to be an inherent contradiction in public opinion. As one writer puts it, as 'public' it is good, but as 'opinion' it is bad. For this reason some describe it as confusing, incoherent, amorphous, and varying like shifting sand from day to day. Yet out of this diversity and confusion there arise certain consolidated and clarified views which may be called public opinion and which determine the action of a great many citizens in a country. It is worthy of note that such a noted writer as Walter Lippman who in his *Public Opinion* (1922) had regarded the public as irrational modified his views in favour of the public in his later work, *The Phantom Public* (1925).

There can be no doubt concerning the educative character of public opinion. 'The people can only learn to think by thinking'. Ordinarily, no government today would flout public opinion; for to do so in the last analysis might mean the invoking of the wrath of the people.

Another important consideration in favour of government giving heed to public opinion is the well-known argument that it is the wearer who knows where the shoe pinches. The best judge of a thing is not the expert who makes it, but the person who uses it. To use Aristotle's language, the guest is a better judge of the dishes served than the cook. To lay aside all figurative language, that opinion which is formulated by the people is likely to serve them better and last longer than any other opinion.

Evaluation of public opinion. It is not always easy to detect public opinion and when detected to be sure that it is both 'public' and 'opinion'. If public opinion is to be a blessing and not an engine of oppression, it is necessary to distinguish between true public opinion and false public opinion. In modern society a great deal of what passes for public opinion is manufactured under highly artificial conditions. It is the opinion shaped and moulded by pressure groups and vested interests of one kind or another. These groups and interests often operate in such a subtle and insidious manner that the public comes to regard it as its own opinion in its own interest, whereas in reality it is the opinion of a few in their self-interest. Those who

manufacture public opinion in this manner often play upon the known facts of mass psychology. They play upon people's fears and hatreds, their prejudices and inhibitions. Sometimes they flatter the public; and at other times they cajole it.

• Among the agencies which mould public opinion, a prior place should be given to newspapers. People are often influenced in their thinking by the particular slant of their favourite newspaper. While the conscientious person would want to find out something of the background of the one editing or managing it or of the interests, individual or chain, which own it, the bulk of newspaper readers do not exercise such care. This means that newspapers and news agencies such as the Reuter and the Press Trust of India come to have undue control over the minds of readers.

Equally important as newspapers are well-organized political parties, communal groups, and pressure groups of one kind or another. In Soviet Russia members of the Communist Party constitute only a small percentage of the total population. The rest are inert and may or may not support the opinions of the Communist Party. Yet what passes as 'public opinion' in that country is often the views of the inner clique within the party. Although the same is not true in India to the same extent, it is possible to argue that on many issues public opinion may be synonymous with the views of the Congress High Command. This does not mean that views are necessarily selfish or anti-national. All that it means is that it may not be truly representative. In Communist China such public opinion as there may be is the result of careful 'brain-washing'. It may be that many in that country applaud the achievements of their government without applauding the means of those achievements.

In a country like India where communal and sectarian loyalties are still strong, the public opinion of a given group may often run counter to the well-being of the country as a whole. This means that in a given country, instead of one public opinion there may be a rising gradation of public opinions—local, provincial, linguistic, communal or sectarian, national, and international. Many enlightened people today believe that national and international loyalties should be given a higher place and the lesser loyalties should be integrated into them so long as they are not diametrically opposed to them. Integration is the magic word in this connection. If a lesser loyalty or lesser public opinion cannot be integrated, it should be rejected.

The Roman Catholic countries as a whole and in many Moslem

lands the Church or the Mosque takes a leading part in moulding public opinion. An instance in point pertaining to Catholic countries is the practically uniform opinion held by Catholics on the question of birth control. Many Moslem lands still adhere to mediaeval ideas concerning the State, property and inheritance, marriage and women, and the treatment of 'infidels'. In such countries enlightened public opinion has an uphill task to perform.

The influence of pressure groups is best seen in a country like the United States where there are lobbies of various kinds trying to influence legislature at all levels. There are lobbies representing chambers of commerce, the National Association of Manufacturers, farmers, organized labour, minority groups of different kinds, such as the Jews and Negroes, churches etc. The influence of these groups is not necessarily bad or underground. In the case of some at least there is reason to think that their influence is not all to the good.

Even government may become a pressure group. This is particularly true when a war is on or when the people are to be whipped up to the acceptance of a certain plan or programme sponsored by the government. Practically every government today has a well-organized department of information, publicity or public relations. Not satisfied with that they are setting up information services in other lands with the approval of the countries concerned. Government propaganda is often highly coloured and is not always completely true to facts. A high degree of selective process is resorted to in the selection of news and views; and such news and views as are selected are presented in the most plausible manner.

All of this does not mean that government or other pressure groups are impervious to the feeling, wishes, and inchoate ideas of the people. In a well-ordered government care is taken to find out what people think and feel and how they react to certain policies and measures before decisions are taken. At the same time, it must be said that governments are not so customer-sensitive as big business is. In the United States big departmental stores, restaurants and hotels conduct intensive research into the needs, desires, and reactions of the consuming public. They even create needs where there may be none. Governments generally are bureaucratic and believe that they know what is good for the people without conducting a minute and painstaking research into customer needs and reactions.

One of the checks upon the possibility of a government running amuck and ignoring the people is the fear of revolution. Where

people feel keenly conscious that a deliberate wrong has been done to them, they may be driven to revolution. Such revolutions are rare in the English-speaking world because mistakes are corrected before such proportions are reached. In the Latin American countries, on the other hand, where people seem to be more volatile and emotional, revolutions are more frequent. But revolutions there do not always mean a clear-cut verdict in favour of public opinion.

It is desirable that public opinion and general will should be synonymous conceptions. But under the conditions described above they are not necessarily the same. In some extreme cases public opinion may be the collective selfishness of a few or even of many. As Aristotle pointed out long time ago, the rule by the many in the interest of the many is not true democracy; nor is it a manifestation of the general will. It should be in the interest of all.

The formulation and promulgation of sound public opinion calls for the following:—

- (1) Free access to facts, to all facts and not only to one set of facts favourable to those setting them forth;
- (2) Objectivity of outlook, calm reflection, and mature judgment on the part of the leaders as well as the led. If people are to have an important share in the creation of public opinion, people should be well-educated, reflective, and free from prejudices, with a certain amount of leisure for the weighing of evidence and the reaching of well-reasoned conclusions.
- (3) Individuality or independence of character. One should be willing to stand up for one's convictions and not simply swim with the current.
- (4) Relative freedom from the rigid control of political parties, trade unions, ecclesiastical or sectarian authorities, and communal or linguistic groups.

Though public opinion may be hard to discover, it is the only solid basis on which an enduring democracy can be built.

CRISIS IN LIBERAL DEMOCRACY

According to G. D. H. Cole and Laski, the twentieth century is an epoch of critical transition when a new social order is struggling to be born replacing the old order of capitalism. The emergence of this new social order has necessitated a reorganisation of our

legal system and political institutions. There has developed a fundamental conflict between the economic purposes of capitalism and the political aspirations of a representative democracy. The logic of social evolution requires the abandonment of capitalistic methods of production and their replacement by socialistic methods. Laski is in search of a formula which can remodel the liberal state in such a way as to bring about the intended socio-economic changes in a peaceful way. How far he has succeeded in finding this formula is a matter of controversy and Laski himself is sceptical whether the formulation of such a technique is really possible.

Merits of the Liberal Democratic State:

It was widely believed in the nineteenth century that the superiority of a liberal democratic state over other polities lay in its performance of three specific functions. In the first place, it secured order in the community and its coercive power was exercised with the consent of the majority. Secondly, it provided a technique of peaceful change whereby the community could elect the rulers of its own choice after each general election. Thirdly, it worked for the benefit of the largest possible majority of the nation. Laski is of opinion that the liberal democratic state no longer provides the technique of peaceful change in the existing era of transition from capitalism to socialism. It is also an illusion to think that the liberal state has worked in the interests of an overwhelming majority in the community.

Class Character of the Liberal Democratic State:

It is true that the state secures order apparently with the consent of a majority of the electorate. As a matter of fact, this consent is fraudulently obtained. The coercive power of the state is always exercised in the interest of those who own the instruments of production. As Laski says, "The State expresses a will to maintain a given system of class-relations. It does so by the use of its supreme coercive power to that end. In the last analysis, this power consists of the defence forces of the state". These are used, in ultimate challenge, to impose the will of the owners of the instruments of production upon those excluded from such ownership" (47:3). Thus Laski clearly emphasizes the class character of the liberal democratic state. Moreover, it also implies that any fundamental alteration of class relations cannot be achieved by peaceful means because the

owners of the instruments of production are bound to resist it by the use of force including the military force at the command of the state. In these circumstances, any substantial change in the existing class relations of a capitalist society can be achieved only by means of a social revolution involving the necessary use of force.

Profit Motive and Economic Inequality.

The claim of the liberal democratic state that it secures the benefit of an overwhelming majority is also unjustifiable in the light of historical facts. In a capitalistic society, the incentive to production is the motive of maximum profit for the capitalist which is obtained by exploiting the workers. While the capitalist takes for himself the maximum profit, the worker never receives the just reward of his labour. Thus the opulence of the rich goes side by side with the misery of the many under a capitalistic system. The liberal state has continuously maintained this unjust distribution of wealth in the community. The legal postulates of the liberal state effectively protect private ownership of the means of production and support the glaringly unjust system of differential rewards to labour and capital. The state under the conditions of liberal democracy bring benefit only to a handful of capitalists who are permitted by its legal postulates to exploit the rest of the community. Thus both the assumptions of liberalism that the liberal state provides a technique of peaceful change and that it secures the benefit of an overwhelming majority have been falsified in practice.

The Marxian Criticism of the Liberal Theory.

This type of criticism of the liberal theory was first advanced by Marx and Engels in their classical formulation of the doctrines of scientific socialism. "Broadly speaking", says Laski, "the Marxian theory of the state has so defined its nature and functioning as to enable us to predict with assurance the course its operations will follow. As an index to the problems of our age it decisively, in my judgment, holds the field" (47:5). About the idealist theory of the state, Laski says that it is a theory of the conceptual state which has nothing to do with the real states as they exist in this imperfect world. About the liberal and anti-idealist standpoint of Hobhouse, he says that his theory is based on an unproved conviction that reason will always be victorious in matters of social conflict.

Law and Class Relations :

Laski regards Austin's theory of law as inadequate for the purposes of political science. He thinks that this theory only gives a formal view of the nature of law without explaining its substance. "In the last forty years", says Laski, "there has been a growing movement towards a less formal, and more realistic, jurisprudence. The relation between sociology and law has grown ever more intimate; and a jurisprudence of formal concepts now satisfies few save the veterans of an earlier age" (47:6). To say that the law is a command of the sovereign merely explains the mode of its formulation. The content of the law can be known only by a reference to the economic relations of a given society. As Laski puts it, "Law in a feudal state is made as law because it is useful to the owners of land; the reason it embodies is their reason; the general end of society it seeks to fulfil is their conception of what that general end should be; the canons of behaviour it will seek to enforce will derive from their conception of how demand may best be maximised. In a capitalistic society, like Great Britain, for instance, the substance of law will, similarly, be predominantly determined by the owners of capital. In a socialist society, like Soviet Russia, the substance of law will be determined by the fact that the common ownership of the means of production subordinates the interest of a class to the interest of the society as a whole" (47:7).

In a capitalist society, law has consistently served the purposes of capitalism. The proceedings of the British and American courts contain numerous examples to show that the laws of the liberal democratic state have been designed to protect the interests of the capitalist class. Laski does not agree with the liberal view that the purpose of the law in the liberal state is to secure the common good. He criticizes Dean Pound's theory of law as essentially Hegelian in character which ignores the class basis of the legal postulates of the liberal state. Social revolution can succeed only when the entire legal structure of the existing society is changed. The socialist way of life requires a new set of legal postulates in the absence of which it cannot operate with success.

Alliance of Liberalism with Capitalism.

The fundamental weakness of the liberal theory is that its legal postulates and political institutions have been wedded to an economic system which is oligarchical in character. Liberalism in practice

meant an uneasy alliance between a political democracy and an economic oligarchy. The liberal democratic states, which functioned as capitalist oligarchies in their own countries, became imperialistic tyrannies in relation to their colonies. When capitalism was in its early phase of expansion, the alliance between the capitalist oligarchy and the representative democracy worked successfully. The masses accepted the capitalist leadership of the state because their condition also improved on account of a partial share given to them in the rich booty obtained from the colonial countries. When capitalism entered into a period of contraction, when there were no more colonies to be conquered and shared, the old alliance could not be maintained for the simple reason that the masses now wanted to redefine economic relations in their own favour. In certain countries like Italy and Germany, the capitalist class resolved this crisis by withdrawing the institutions of liberal democracy and installing fascist dictatorships in their place. The capitalist class thus showed greater love for its vested interests than for the institutions of liberal democracy.

Need for Socialist Democracy:

Laski thinks that socialist democracy is the only correct answer to the liberal democracy of the past. But he is a bit pessimistic about the achievement of socialism by peaceful means. The example of Soviet Russia shows that the violent means alone could establish socialism. But Russia before the socialist revolution was an autocracy. Will it be possible to achieve socialism by constitutional means in parliamentary democracies? The examples of Italy, Germany and Spain have shown that the ruling classes resort to fascism whenever they see a real danger to their vested interests. Laski does not believe in the Communist methods of insurrection and civil war because they lead inevitably towards an authoritarian government or dictatorship. He is a democratic socialist who wants to bring about socialism without destroying the parliamentary institutions of liberalism and without resorting to a dictatorship of the Communist type.

But as a realist Laski knows that the parliamentary victory of a socialist party does not necessarily mean the victory of socialism in the social and economic sphere. Such an electoral victory is only a beginning of the march towards the distant goal of socialism. Any socialist party, which is successful at the polls, must know that

important branches of government like the civil service, the army, the police and the judiciary still remain in the hands of those who will zealously act to defend the *status quo* and resist any radical change in the economic structure and social habits of the community.

Laski does not clearly suggest how a successful socialist party is to overcome this concerted opposition of the army, the bureaucracy and the courts. However, he entertains an intuitive belief in the superiority of the constitutional method to the insurrectionary method so long as the capitalist class itself does not resort to fascism. Laski thinks that the insurrectionary methods, if adopted by the working class, might themselves lead to the establishment of fascism by the ruling class. Thus he retains his faith in the fundamental liberal values of constitutionalism, individual liberty and parliamentary government despite his passion for social justice, economic equality and a collectivistic utopia in which all men will live as brothers.

LIBERALISM AND UTILITARIANISM IN POLITICS

THE RISE OF LIBERALISM

The Meaning of Liberalism:

It is not easy to define Liberalism because it does not represent any coherent body of doctrine. It is rather a historical tendency embracing diverse and even contradictory currents of thought that manifested in certain countries at a given epoch. Liberalism in this wide sense should not be confused with the programme or creed of a particular political party which adopts the Liberal designation but may or may not represent the essential philosophy of Liberalism.¹ It is also somewhat difficult to state what exactly constitute the essential principles of Liberalism. In the first place, the representative political thinkers of the liberal school themselves are not agreed about it. Secondly, the circumstances under which the Liberal state emerged in different countries have been so various that they have necessitated a corresponding change in the liberal outlook in those countries. Lastly, the liberal state has been susceptible to changing economic patterns in the same country requiring a restatement of the Liberal ideology.²

1. "Liberalism", as Laski says, "is the expression less of a creed than of a temperament. It implies a passion for liberty; and that the passion may be compelling it requires a power to be tolerant, even sceptical, about opinions and tendencies you hold to be dangerous, which is one of the rarest human qualities. ("The Social and Political Ideas of some Representative Thinkers of the Victorian Age", Chapter V, p. 100).

2. In this connection, Tocqueville rightly observes, "The more I study the former condition of the world, and see the world, of our own day in greater detail, the more I consider the prodigious variety to be met with not only in laws, but in the principles of law, the more I am tempered to believe that what we call necessary institutions are often no more than institutions to which we have grown accustomed, and that in matters of social constitution the field of possibilities is much more extensive than men living in their various societies are ready to imagine." (Tocqueville's "Recollections, p. 99; quoted by Laski in his essay on Tocqueville).

Laski's Interpretation of Liberalism :

Among the contemporary writers, Laski has presented us in "The Rise of European Liberalism" with a coherent analysis of the philosophy of the European Liberal movement in its proper social perspective. This analysis is all the more valuable as it has made a sustained attempt to utilize the Marxian method of social research in tracing the economic foundations of Liberalism. But it is not as a friend and admirer but rather as a critic that Laski has volunteered to discuss and interpret the philosophy of Liberalism for the contemporary generation.¹ Even then he shows considerable sympathy in his treatment of the various aspects of the Liberal philosophy. It appears that Laski's own political outlook was far more in harmony with the fundamental spirit of Liberalism than he himself cared to admit. Even when he declared himself to be a convert to Marxian socialism, he did not abandon or even mitigate his enthusiasm for some of the most fundamental assumptions of liberalism. Liberalism had in fact become an ingrained habit with Laski's political behaviour and it was simply impossible for him to effect a complete break with the liberal tradition of his country in which he was brought up. Liberalism is a habit of mind no less than a political creed or doctrine. Laski may reject some or most of the doctrinal aspects of liberalism but as a mental attitude Liberalism never deserts him. Even when he is talking pure socialism, a liberal under-current of thought can easily be discerned.²

Philosophy of the Middle Class :

(Liberalism was primarily the philosophy of the victorious middle class in Europe that came into power and prominence after the eclipse of the feudal classes. Sabine has lamented the fact that the doctrines of the Liberal philosophers from Locke to Adam Smith suffer from grave logical inconsistencies.³ But the vitality of the Liberal doctrines depended less on their logic than on their agreement with the interests of the class that mainly produced them.) It is

1. Laski is decidedly not the first political thinker to apply the principle of economic determinism in interpreting and evaluating the philosophy of liberalism. Tocqueville, the great French Liberal, adopted a similar attitude in his "Democracy in America".

2. See Laski's Introduction to his "Liberty in the Modern State", (New Edition, 1948).

3. Sabine: "History of Political Theory", Chapters XXVI and XXXI.

really curious to note that liberalism has found its adherents and spokesmen with equal ease in persons professing such varied creeds as Christians and atheists, monarchists and republicans, aristocrats and democrats, idealists and utilitarians, rationalists and empiricists, or even individualists and collectivists. But even these strains have not been able to destroy the inner unity of the Liberal doctrine. This inner unity is derived from the fact that it always remains the ideological instrument of a particular class in social evolution. That class is the capitalist class. The capitalists first utilized the body of liberal ideas in their ideological offensive against the landowners. As time went on the opposition between landowners and capitalist became a vanishing issue. A new opposition arose between the capitalists and the wage-earners, with the result that liberalism tended to become more and more a defence mechanism of the capitalist class against proletarian attacks. Liberalism no longer remained an ideology of progress and radical change. It was now transformed into an ideology of conservative decadence and reaction. The consistency of the Liberal doctrines should be sought in the social purpose which they serve and not in the philosophical assumptions which they make.

The Liberal Tradition:

If we examine the various historical forces and intellectual trends that have shaped the evolution of the Liberal doctrines in the period between the Reformation and the Russian Revolution, we realize that the number and character of such influence is bewildering.

Laski believes that liberal ideas were propounded and developed sometimes by political thinkers, who were not even conscious of what they were doing. Liberalism as a school of political philosophy did not evolve in a direct and straightforward manner. The doctrines of liberalism lack clarity and precision because they have been derived from several sources with little internal affinity. People, who were otherwise indifferent and even antagonistic to the objectives of liberalism, have contributed, without being conscious of it, to the theory and practice of the liberal state. The liberal tradition has been enriched by such important men as Machiavelli, Calvin, Luther, Copernicus, Henry VIII and Thomas More in the sixteenth century and by Hobbes, Jurieu, Louis XIV, Richelieu, Pascal and Bacon in the seventeenth century. Besides this, the liberal outlook was also generated by constantly changing social environment in Western Europe during that period" (132 : 12).

The rise of a new social class to political power has always synchronized in history with radical adjustments in the social philosophy of the people of that period. The advent of the middle class to the position of political supremacy was no exception to this rule. It signified a violent break from the intellectual conceptions of the feudal past. Theology and ethics, jurisprudence and politics, arts and science were reconstituted on a new basis. The entire outlook of the age was so changed as to become receptive to new norms of social behaviour and new forms of social organisation.

The Breakdown of Feudalism:

The breakdown of the medieval society was not achieved by peaceful means. The liberal capitalistic state was born in the midst of violent struggles and factional fights which culminated in the liquidation of the feudal state system in a large part of Western Europe. "Revolution and war", says Laski, "presided over its emergence from the womb; and it is not beyond the mark to say that there was hardly a period until 1848 when its growth was not arrested by the challenge of violent reaction. Men fight passionately to retain those wonted habits in which their privileges are involved; and liberalism was nothing so much as a challenge to vested interests rendered sacred by the traditions of half a thousand years" (132 : 13). The destructive role of liberalism in this period is as important as the constructive role which it assumed subsequently.

In the sixteenth century, the liberal state was only slowly emerging. The commercial and industrial classes first allied themselves with the cause of monarchical absolutism in order to secure national freedom from papal control on the external side. Absolute monarchy was favoured on the internal side because by crashing the feudal particularist state it provided better facilities of trade for them. Machiavelli was the first political thinker of some repute through whom the hopes and desires of the rising middle class of Europe found a concrete expression. The secular outlook of Machiavelli ultimately became an important element of the creed of Liberalism. It is true that Machiavelli's secular conception of politics was far in advance of his age. As the subsequent history of Europe showed, religion was yet destined to play a far greater part in European politics than Machiavelli had imagined.

Machiavelli's Liberal Ideas:

Machiavelli's conception of human nature as that of the English

philosopher Hobbes was also strikingly modern.¹ His view that human beings are fundamentally egoistic long remained the acknowledged creed of individualistic Liberalism. His conception of a supreme law-giver gave rise to the later liberal theories of sovereignty. His interest in stable government led him to favour absolute monarchy for the moment but he was not a monarchist by conviction. Once the causes of perpetual anarchy were removed, the popular and republican form of government was the desirable ideal. This appreciation of popular government coupled with his condemnation of nobility and aristocracy entitles Machiavelli to be counted as one of the founder-philosophers of Liberalism.

As the first prophet of Italian nationalism, he became the author of another item on the Liberal programme because the Liberal state was destined to become a nation-state in course of time. Thus the contribution of the Italian philosopher in building up the liberal tradition was not insignificant.

The Reformation and Liberalism.

Liberalism derived indirect support from the Reformation as well. Max Weber believes that the Protestant doctrines facilitated the triumph of the Liberal ideals to a very great extent. But the alliance between Liberalism and Protestantism was accidental rather than consciously designed. It is true that the social philosophy of Luther and other leaders of the Reformation was essentially conservative. But their protestant mood in the realm of theology could not but have repercussions in other fields of intellectual inquiry.

By questioning the Catholic tradition of revering the papal authority, it produced a violent earthquake in mass psychology. Protestantism brought about immense changes not only in theological doctrines but also effected far-reaching changes in the distribution of wealth by transferring ecclesiastical property to lay hands. It also facilitated the growth of the secular state by opposing papal interference in national affairs. Protestantism aided the emancipation of the individual by creating a rationalist temper although it was only a by-product of the Reformation and could in no case be called its essence. There were even trends, like Calvinism which were definitely hostile to everything Liberalism has stood for.

1. See Laski's article on "Machiavelli and the Present Time", in "The Dangers of Obedience and Other Essays", pp. 238-53.

Bodin's Liberal Ideas.

In the development of the Liberal theory, Jean Bodin and Hobbes played an important role. Their theories of sovereignty were pleas for the supremacy of the liberal state in social affairs. They dismiss the claim of the Church to dispute its sovereignty. But Bodin unlike Hobbes could not completely eradicate the influence of the medieval doctrine of natural law. He maintained that even the sovereign was bound by the moral conventions of his generation a view rejected by Hobbes completely.

Another distinctive feature of Bodin's philosophy as that of Hobbes or Locke was his conscientious respect for bourgeois property which the sovereign should consider as inviolable (129 : 16). In Bodin's time the struggle between ecclesiastical and civil power was finally decided in favour of the latter and against the former. In the sphere of theory, it implied the victory of the secular over the theocratic ideal. But the secular state that emerges at the end of the sixteenth and seventeenth centuries is still a paternalistic state and has yet to travel a long way before it can properly be called a Liberal state.

Liberal Ideas of Hobbes, Locke and Rousseau.

In the seventeenth and eighteenth centuries the liberal state was further consolidated. The battle for liberal ideas assumed a violent struggle in the civil war of England and the French Revolution of 1789. Hobbes, Locke and Rousseau were the main advocates of the Liberal theory of state during this most interesting age in the history of western political thought.¹

Utilitarianism is essentially an English school of thinking. It played a notable part in England in the nineteenth century, particularly in the earlier half, in effecting reforms of a far-reaching character. According to Hallowell, it had its basis in the nineteenth century liberalism when "freedom was conceived less and less as a natural right and more and more as a social utility". To quote the same writer again : "Utilitarianism was an attempt to establish ethical and political theory upon a thorough going scientific empiricism (31 : 198).

1. STATEMENT AND CRITICISM OF UTILITARIANISM

Utilitarianism is primarily an ethical theory based upon the psychological doctrine known as Hedonism. According to the teaching of

1. See chapter 5 of this book for Political Ideas of Hobbes, Locke and Rousseau.

Hedonism, every man, as a matter of fact, seeks pleasure and avoids pain. Other motives may enter the calculation, but the ultimate motive is that of pleasure *versus* pain. The hedonistic teaching is by no means new. It goes back to the Greek times, especially to the teachings of Aristippus, the founder of the Cyrenaic school, and, in a modified form, to the teachings of Epicurus. While modern Hedonism differs widely from the ancient, both forms regard pleasure as the guiding principle. Earlier Hedonism was egoistic in character, while the modern is altruistic. Utilitarianism bases itself on the latter form. Hence it is sometimes called altruistic or universalistic hedonism. Its goal is the greatest happiness of the greatest number, or simply, general happiness; and the scoffer adds, 'the greatest number is one'.

It is generally admitted today that the psychological and ethical foundations of Utilitarianism are unsound. Self-abnegation is as natural to man as may be the pursuit of pleasure. Therefore, to reduce everything to the pleasure-pain principle is to force human motives into a Procrustean bed. Bentham is guilty of using round-about argument when he affirms that the production of pain is wrong, unless it be to diminish future pain or promote future pleasure.

In making the above criticisms, we do not forget that Utilitarianism claims to make a powerful appeal to the altruistic impulses of man. But our condition is that, in so doing, it is inconsistent with itself. Universalistic hedonism is a contradiction in terms. If a thing is 'universalistic' it cannot be hedonistic; and, conversely, if it is hedonistic it cannot be 'universalistic'. Pleasure is individualistic in nature. It is subjective experience. Therefore, to speak of general happiness as meaning general pleasure, as the Utilitarians do, is meaningless.

Although Utilitarianism is an unsound ethical theory, it has been instrumental in bringing about a large number of valuable reforms in practical politics. How do we account for this seeming contradiction? The answer is to be found in the fact that the Utilitarian performs a somersault when he passes from ethics to politics.

As a political thinker, the Utilitarian interprets general happiness in a loose manner to mean general well-being or social welfare. He minimizes the conception of pleasurable feelings and fastens attention upon utility. It is obvious that terms like 'social welfare' and 'utility' are of such a general and practical character that anybody

using them as the foundation of his political programme is bound to do immense good. Thus we find that it is the inconsistency of the Utilitarians in the interpretation of their end which accounts for the great good which they accomplished in the realm of practical politics. Their political theory was a theory of government rather than a theory of the State.

2. ESTIMATE OF UTILITARIANISM (*13 : Chapter I*)

Criticism of Utilitarianism as a psychological and ethical theory does not prevent us from giving due praise to it in the political field. Utilitarianism represents interest in the welfare of mankind. With this interest it combines practical efforts to improve the conditions of human life on rational principles. It believes in the possibility of raising the condition of the masses through effective State legislation. All Utilitarians have at heart the general welfare. Their first and great concern is human life, human activity, human well-being. They are the strenuous opponents of tyranny and injustice, and the 'champions of individual freedom. They are opposed to all 'sinister' interests. Hence Utilitarianism is emphatically practical. It is reformatory. It is simply another name for humanism.

Utilitarianism is often unjustly criticized as the utility theory or expediency philosophy. Utility means serving a purpose or end. In popular conversation, it often means a low purpose or end. The Utilitarian conceives man not only as an individual, but as an individual who is by nature social. 'Utility for him means what is best for all the elements of his nature, and what can most effectively promote his full and ultimate good, and the full and ultimate good of his fellows'. The Utilitarian doctrine is expressed in such phrases as 'the greatest happiness of the greatest number', 'enlightened benevolence', and 'general happiness' (*13 : 13*).

In like manner, Utilitarianism has sometimes been regarded as synonymous with materialism of the worst type. In order to avoid misconception, it is proposed that we substitute such terms as 'welfare' and 'well-being' for 'utility' and 'happiness'. Commenting upon Green's treatment of Utilitarianism, D. G. Ritchie writes: 'There is no reason why the Idealist, after making clear his objections to Hedonism, should not join hands with the Utilitarian'. Green's ethical system, says the same writer, is Mill's Utilitarianism *plus* a secure basis and a criterion.

The supreme consideration of the legislator, says the Utilitarian, should be the welfare of people in general. Proper legislation has a negative and a positive aspect. Negatively, it should get rid of degrading or untoward circumstances. Positively, it should put favourable inducements in their place.

The ideals that the Utilitarian cherishes are of an essentially practical and human kind. The ideals rejected by him are those which appear to him either undesirable or unrealizable, or both. He is neither a fanatic nor a dreamer. His feet stand on solid ground.

Utilitarianism is founded on experience. It appeals to experience as the ultimate test. Consequences are everything to the Utilitarian. He regards experience as the source and origin of knowledge and the ultimate criterion of truth. He is opposed to mere abstraction or speculation.

Utilitarianism is thus an intensely human and intensely practical philosophy.

Carlyle was wrong in describing Utilitarianism as 'pig philosophy' or 'pig trough philosophy'.

T. H. Green who had considerable sympathy for Utilitarianism wrote : "Whatever the errors arising from the hedonistic psychology, no other theory has been available for the social and political reforms containing so much truth with such ready applicability".

3. UTILITARIAN THINKERS

1. *Jeremy Bentham*, who lived from 1748 to 1832, laid the foundations of the Utilitarian School of thinking. He played a conspicuous part in removing injustice and in bringing about lasting reforms. The keynote of his philosophy is : 'Nature has placed man under the governance of two sovereign masters, *pain and pleasure* . . . They govern us in all we do, in all we say, in all we think : every effort we make to throw off our subjection will serve but to demonstrate and confirm it.' The principle of utility, he says, recognizes this subjection, because it approves or disapproves of every action whatsoever, according to the tendency to promote or oppose happiness. This principle he later describes as 'the greatest happiness principle'. In the apportionment of lots of happiness, the principle to be applied, he says, is 'each to count for one and no one for more than one'.

According to Bentham, pleasures differ in intensity, duration,

certainly, and propinquity or nearness, but are one in quality. This means that we cannot regard one pleasure as 'better' or 'higher' than another. The Benthamite doctrine is undoubtedly narrow and psychologically false. Nevertheless, as Ivor Brown remarks, it 'has an immense value because it denies the infallibility of the superior person who endeavours to foist his own morality or his own type of happiness upon others whom he believes to be the pitiful dupes of ignorance' (6 : 96). 'Benthamism, shorn of its crudities, is simply humanism' (6 : 102).

The primary concern of Bentham was the good or welfare of the community. He believed that his principle of utility could be applied with advantage to all social questions and particularly to constitutional, legislative, and law reform. 'He had a living and practical interest in view, and was not merely concerned with a barren speculative theory' (13 : 48).

At the time that Bentham appeared on the scene as a great reformer and thinker, the theory of natural rights and the pompous generalizations of Blackstone regarding the greatness of the English constitution and the English law held the field. Upon both of these Bentham poured his scorn, and exposed them to merciless criticism. Natural rights he described as 'simple nonsense : natural and imprescriptible rights rhetorical nonsense—nonsense upon stilts'. For the theory of natural rights he substituted the principle of utility.

In his first work of any importance, *A Fragment on Government*, published in 1776, Bentham bitterly criticized Blackstone who praised the English law as a slow, natural growth in accordance with Divine providence. 'Bentham showed that it was a shameless tyranny which worked only for the misery of the weak and poor, an elaborate mechanism for helping the educated and the powerful to keep down the ignorant and the oppressed' (6 : 102). He further attacked Blackstone for basing political obligation upon an original social contract. He argued that there was no such contract in the past and that, even if there were one, it did not bind the present generation. The only valid reason for obedience was utility or the general good. Governments exist because they are believed to promote the happiness of those living under them. In Bentham's own characteristic language, 'The probable mischiefs of obedience are less than the probable mischiefs of disobedience.' Man obeys political authority not because of an original contract or natural rights or any other 'fiction', but because of 'the habit of obedience'. Thus, as Dunning points out,

among the venerable principles and practices of conservative England's law and politics, Bentham became 'a veritable bull in a China shop' (27 : 212).

Theory of Government. Far from extolling the English constitution, as his contemporaries had done, Bentham attacked it in forthright earnestness. He pleaded for annual parliaments, vote by ballot, and universal male suffrage, subject to the test of ability to read. He went still further and attacked the utility of the House of Lords and of monarchy on the ground that the interests of these institutions were not compatible with the interests of the people at large. He was convinced that a single-chambered legislature, renewable every year, was most in accord with democratic principles. Bentham's faith lay in a Republic, which he thought would be conducive to 'both efficiency and economy and the supremacy of the people'.

Legislation. It was in this field that Bentham made his greatest contribution. On the publication of his *Principles of Morals and Legislation*, he became a sort of 'new Moses' of legislation. 'The ends of legislation are, according to him, security, subsistence, abundance, and equality. In simple language, the object is the good of the people. If laws are to be obeyed, says Bentham, it is necessary that legislation should carry the people along with it.'

The number of practical reforms which Bentham advocated is legion. The principal ones among them, as summarized by Davidson, are : reform of the corrupt and restricted parliamentary system ; thorough-going municipal reform ; humanization of the terribly cruel criminal law of the time ; improvement of prisons and prison management ; abolition of imprisonment for debt ; elimination of the usury laws ; repeal of the religious test ; reform of the poor law ; suppression of 'sturdy beggars' ; utilization of able-bodied paupers ; training of pauper children ; establishment of a vast scheme of national education : institution of 'frugality banks' (now known as savings banks) and friendly societies ; forming of a code for merchant shipping ; protection of inventors ; encouragement of local courts ; comprehensive system of health legislation ; creation of public prosecutors and advocates for the poor ; thorough-going revision of hereditary rights ; supervision of scientific and philosophical foundations ; and recall of public officials. It is needless to add that many of the reforms for which Bentham ardently pleaded have since been incorporated into the laws of the various lands.

Law Reform. Bentham aimed at being a great law reformer.

He was eager 'to see justice administered, and happiness secured to the deserving and the oppressed' (13 : 92). Sir Henry Maine pays a generous tribute to Bentham's place in the history of judicial reform when he writes: 'I do not know a single law reform effected since Bentham's day which cannot be traced to his influence'.

Bentham realized that the laws of the day were in a chaotic condition and he took upon himself the task of codifying them, but no encouragement was given to him in his own country. Encouragement came, however, from foreign lands, particularly from France and Russia. Applying his utilitarian principles to the laws of these countries, Bentham demonstrated how his theory would work in concrete instances.

Education. Bentham had unswerving faith in the power of education to improve mankind. He sketched two systems of education—one for pauper children, another for upper class children.

Punishment and Prison Reforms. Bentham held that the chief end of punishment was to prevent crime. It should not be merely vindictive. It should secure the good of the community. If capital punishment were necessary for the safety and security of society, it was justifiable, otherwise not. Whether or not capital punishment was to be administered in cases other than murder, Bentham held, should be determined by considerations of utility, *i. e.*, their effect upon the general good.

On the whole, Bentham's emphasis is on the deterrent theory of punishment. But this does not exclude the reformation of the criminal, which Bentham regards as 'a part of the calculation of the balance of consequences in meting out punishment' (13 : 101). Bentham believed that a great many criminals and evil-doers were capable of improvement and that they could be restored to society as useful and self-respecting members.

Estimate of Bentham. It is a well-known fact that Bentham was not the originator of Utilitarianism or of the "greatest happiness principle". He got it from Priestley's *Essay on Government*; and Priestley in turn had got his principle of the "greatest happiness of the greatest number" from Hutcheson.

In the use of the greatest happiness principle Bentham was dogmatic. In the striking words of Wayper, Bentham swallowed his first principles without digesting them.

'The utilitarian calculus' which meant summation of pleasures or

the balancing of pleasures against pains became a wooden and unrealistic doctrine, a mere figment of the imagination.

In spite of his social passion, Bentham never ceased to be an individualist. His attitude towards state action was negative in spite of the large area of activity which he assigned to the State. To the end he held on to the atomistic view of society and could not see how the individual and society are intimately wrapped up together and are not poles apart. As has often happened in other cases, his uncriticized individualism led him to an uncritical collectivism.

Moreover, Bentham over-rationalized everything. It looked as though emotion was an ingredient lacking in his nature. He frowned upon asceticism, claiming that those who practised it suffered from a perverted notion of pleasure.

Yet Bentham was a great reformer. The times in which he lived needed a person like him. Burke had been unduly harsh upon the French Revolution; and consequently the middle classes in England were frightened of revolution. Yet the time was ripe for reforms in all directions; and Bentham met that need. His attack on "sinister interests" under the inspiration of James Mill was most timely. It is the considered opinion of Ehenstein that "Bentham changed the character of British institutions more than any other man in the nineteenth century". (98)

Bentham's greatest contribution was in the realm of practical reform and legal thought. The word 'codification' which has become a household term in the legal world was his coinage. Bentham undertook the codification of laws for more than one country. He clearly anticipated Austin's theory of sovereignty. As a matter of fact, some of the key phrases in his definition of sovereignty, Austin owes to Bentham. In the estimation of Dicey, Bentham was "in very truth the first and greatest of legal philosophers."

2. *James Mill* (1773-1836) was a devoted follower of Bentham to the end of his life. He regarded a sound representative system as a check upon the self-interest of governments. While not advocating the abolition of the House of Lords, as Bentham did, he proposed drastic measures for the curtailment of its power, closely anticipating the 1911 act. He believed that political power, when vested in the middle ranks of society, would be most conducive to order and progress. In every way, as Davidson remarks, James Mill was 'the leader of the Utilitarian Radicals after Bentham, and the chief operative force in effecting the practical reforms of the school' (13: 142).

3. *John Stuart Mill* (1806-73), son of James Mill, is the better known of the two Mills. His father who was a strict disciplinarian and an ardent believer in Utilitarianism brought him up in that creed. At one time he told Bentham that his son was "a successor worthy of both of us". Mill was over-educated and over-drilled in Utilitarianism. But at the same time when he reached maturity and began to reflect on things for himself he clearly saw the serious defects of Utilitarianism. Besides, he was a man with a catholic outlook willing to see the merit in other points of view. In this process of self-liberalization Mill was helped by his wide reading of contemporary works such as those of Augustus Comte, Thomas Carlyle, S. T. Coleridge, etc. The influence of Mrs. Taylor who many years later, on the death of her first husband, became his wife was also important. She helped to rouse in Mill his feelings and emotions which lay dormant under the stern eye of his father. In his dedicatory note to *Liberty*, Mill pays her (who had died a few years earlier) a glorious tribute which only a man in deep love could have paid. He claims that the essay was as much a work of hers as his. In accounting for his passing from individualism to "qualified socialism," in the later editions of his *Political Economy*, Mill pays a similar tribute to the memory of his wife.

In spite of all the concessions he made to his critics, Mill remained a Utilitarian to the very end. To abandon it altogether, which he should have done in accordance with the profound modifications he had made in it, he thought was sacrilege to the memory of his father and Jeremy Bentham.

Yet Mill admits that pleasures differ not only in quantity, but also in quality. He does not subscribe to the Benthamite formula that quantity of pleasure being the same, "push-pin is as good as poetry." In his oft-quoted words: "It is better to be a human being dissatisfied than a fool satisfied, better Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, is of a different opinion, it is because they only know their own side of the question. The other party to the comparison knows both sides." (p. 9. Everyman's Library ed.)¹

While Bentham recognized only external sanctions for constraining the individual to promote general happiness, Mill admitted both external and internal sanctions. In this respect Mill was closer to the

1. In so modifying Utilitarianism, Mill virtually repudiated it. Some pleasures are, according to his thinking, more valuable than others. It is no wonder that once when he was asked to attend a meeting in honour of Bentham, he said "And I am Peter who denied his master."

organic theory of society than Bentham ever was. He realized that individual happiness and general happiness are closely intertwined, and that, therefore, it was not necessary to force oneself to pursue the pleasures of others. Mill was of the opinion that every man possessed 'a feeling for the happiness of mankind' and that, consequently, he should desire and promote general happiness. Among the sanctions, Mill mentions "the religious motive," "the internal sanction of duty", the desire of virtue, etc.

Summing up Mill's Utilitarian position as a whole, Wayper holds that the changes that Mill introduced into Utilitarianism were "of such a wholesale kind that when he had finished reinterpreting and refurbishing Utilitarianism, Utilitarianism was singularly hard to find". (93 : 107). "Yet perhaps because he is the least logical, he is also incomparably the most satisfactory of the Utilitarians". (93 : 107). Wayper further says that in spite of all his faults, Mill remains "far and away the most satisfactory of the Utilitarians." According to Ivor Brown, Mill "made Utilitarianism at once more human and less consistent." (6 : 119).

On Liberty. Mill was as much interested in political and social reform as he was in philosophical speculation. His well-known essay on *Liberty*, together with Milton's *Areopagitica* stand out as the two most noble defences of the freedom of the individual in the English language. In *Liberty* Mill first traces the growth of political liberty from the days of royal despotism to the days of popular government with its attendant evil of the tyranny of public opinion.

Holding the view that democracy does not necessarily ensure opportunity for the development of individuality, Mill devotes a major part of *Liberty* to the defence of individuality, even to the extent of justifying eccentricity and oddity of character. His own striking words are : "It is not by wearing down into uniformity all that is individual in themselves, but by cultivating it and calling it forth, within the limits imposed by the rights and interests of others, that human being become noble and beautiful objects of contemplation."

The three types of liberty with which Mill is vitally concerned are liberty of thought, liberty of expression (which includes speech and writing) and liberty of action. Liberty of thought is something which does not require an elaborate defence. But if it is to mean anything at all, it must include liberty of expression and action.

So far as free discussion is concerned, Mill would practically place

no limits on it, so long as it is within the limits of public order and decorum. His well-known argument is that the received (*i.e.*, traditional) opinion may be altogether true or altogether false or what is most likely, partly true and partly false. In every one of these cases, Mill holds that there is a powerful case for absolute freedom. If the received opinion is altogether true, no one should object to its being openly challenged by anybody. Not to allow it is to assume infallibility for oneself. The received opinion in such a case is nothing more than a dead dogma, which is not a part of one's own thinking or conviction. If the received opinion is altogether false, which is the second alternative, freedom of discussion gives a person the opportunity of substituting his error for some one else's truth.

Not to do it means that one continues to be a victim of his own errors and prejudices. The third alternative which is the most likely is that the received opinion may be partly true and partly false. In such a case, permitting free discussion means that what is true in one's own position becomes stronger still and what is false in one's position is given up for the truth one can receive from others.

It was Mill's belief that in the struggle of ideas, truth will ultimately prevail. There was something like the survival of the fittest in the world of ideas. To us this seems to be a questionable proposition. Not everybody is endowed with a high degree of reasoning or discrimination. Modern history is full of instances where a specious idea, skillfully presented, is accepted as gospel truth by a large majority of people, even when they are intelligent and well-educated. How else is one to interpret the Nazi propaganda which hypnotized millions of people into a belief concerning the superiority of the Nordic race and the right of the Germans to conquer and rule over as much of the world as possible?

Mill rightly points out the fallacy of the argument that no sound idea can be suppressed for all time and that it is bound to come back to life sooner or later. The fact is that persecution has at times succeeded in crushing truth for a long time, thereby checking its normal growth and development. Social vitality, Mill believed, should precede social calm.

As regards freedom of action, Mill marks out an area of individual preference where the State should not interfere by means of law or society by means of public opinion. This is the area of "self-regarding conduct." It is conduct which concerns oneself and no others. But the moment an act directly impinges upon others, either the State or

society or both may interfere. In Mill's own striking words: "The only part of the conduct of any one, for which he (the individual) is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right absolute. Over himself, over his own body and mind, the individual is sovereign." (p. 73). Thus a soldier or policeman drunk at home should not be punished or made an object of ridicule. But if the same man gets drunk while he is on duty, he should be punished.

The particular fields assigned to individual preference are (1) the inward domain of consciousness, liberty of thought and feeling, including the liberty of expressing public opinions; (2) tastes and pursuits, like what a man may eat or drink or what he may put on; and (3) voluntary combination among individuals (such as trade unions) so long as it does not involve harm to others.

The two principal mistakes made by Mill in this connection are (1) his assumption that all the distinctions that he makes are in accordance with the principle of utility; and (2) his naive belief that self-regarding and other-regarding conduct can be clearly separated from each other.

Barker's harsh judgment on Mill is that he remained to the end "a prophet of an empty liberty and an abstract individual".

In portions of his essay on *'Representative Government'*, to use the words of Wayper, Mill appears in the role of a "reluctant democrat". The reasons are (1) Mill's fear that democracy tends to crush individuality and mould people according to a single pattern, (2) his fear of demagogism under the guise of democracy, and (3) his distrust of the masses. On the last point he writes: "Ordinary human nature is so poor a thing." "Men are stupid and selfish as individuals and stodgy as a mass." Where the necessary conditions exist, Mill is convinced that democracy is the best of all governments. Yet it is not suited for all people.

It is Mill's claim that while democracy may not make people happier, it makes them better. In the sphere of practical politics, Mill was a Philosophical Radical. He was an ardent champion of the rights of women and wanted to 'emancipate' them from the 'subjection' of man. He believed that differences between sexes were not fundamental and inevitable. As a Radical member of Parliament from 1865 to 1868 he strenuously advocated the interests of the labouring classes, woman suffrage, reduction of the national debt, and land reform in Ireland. He opposed all class interests and one-

sided legislation. He believed that minorities were not adequately represented in the British Parliament and so advocated the system of proportional representation associated with the name of Thomas Hare. While favouring universal suffrage for all tax-payers, Mill advocated plurality of votes for men of superior intellect and high character. Giving equal votes to all, according to Mill, means that inexperience sits in judgment over experience and ignorance over knowledge.

When he stood for a seat in Parliament he would not canvass himself nor would he pay agents to canvass for him. After election he would not attend to the local business of the community. He was opposed to the idea that a member of Parliament was a delegate who had to consult his constituency on every important issue before recording his vote. -

While maintaining the superior legislative authority of the House of Commons, Mill favoured a strong House of Lords in the form of a Chamber of Statesmen.

Mill put forward the idea of Legislative Commissions for the drafting of Bills. Once the Bill had been drafted and submitted to Parliament, it could accept it or reject it or return it to the Commission for reconsideration. But it had no right to amend it.

Mill favoured open competition to public services. The details of legislation and methods of enforcement were to be worked out by administrators. According to Mill, Parliament was to control the business of government, but not actually do it. Parliament was to lay down the general lines of policy, but the actual execution was to be in the hands of administrators.

Mill was in favour of compulsory education provided by the State, although he found that it might result in turning out people after a single pattern determined by a governmental bureau.

In the *economic field*, Mill was far from being a bigoted individualist. He approved of extensive State action when it was in the interest of social welfare. In his later years he looked forward to the socialistic ideal when there might be 'a common ownership in the raw materials of the globe, and an equal participation of all in the benefits of combined labour'. He combined political liberalism with economic socialism. Ivor Brown says: "Mill's political ideas are perfectly compatible with socialism, so long as that socialism is based on a philosophy of individual welfare." (6 : 129).

Summing up the entire social and political thought of Mill,

R. H. Murray aptly writes : "A Free Trader, he allowed protection of infant industries thereby letting in Protection. An individualist he turned to socialism. A radical, he proved as imperialist as Carlyle. An empiricist he drifted towards idealism. An utilitarian, he refuted it and then transformed it so greatly that Bentham could not have recognized it."

Even today utilitarianism or 'the greatest happiness principle' is capable of doing much good if it is not interpreted too literally. It is possible to combine idealism with utilitarianism, as does T. H. Green in the realm of political theory. In the field of practical politics such a combination can well lend support to a mixed economy or the welfare State ideal of India.

IDEALISM AND PRAGMATISM IN POLITICS

THE IDEALISTIC TRADITION IN POLITICS

THE IDEALISTIC theory of the State is known by various names. Some call it the absolutist theory, some call it the philosophical theory. MacIver goes to the extent of describing it as the 'mystical' theory, and still some the metaphysical theory. Whatever the name may be, the idealistic tradition had a long, though somewhat broken, history. Its earliest traces are found in the writings of Plato and Aristotle. These Greek thinkers, along with many others of the time, regarded the State as natural and necessary. To them the State was all in all, and apart from it man could not attain the highest possible perfection for him. Aristotle held that the State first came into being in order to meet the needs of mere life, but was continued through the necessities of a moral life. To both Plato and Aristotle the State was supremely an ethical institution. The true State was a partnership in a life of virtue.

This way of looking at the State from the moral point of view and of approaching political theory through ethics has profoundly affected later idealistic thinkers. Another respect in which Greek philosophy has left a deep impression on some of the recent idealists is in the practical identification of the State with society. This tendency is particularly marked in the thinking of Bosanquet. A third way in which Greek thought, particularly the thought of Plato, has influenced later idealists is in conceiving the State as an organic unity. The idealist starts from the position that the State is a central social system, in which the individual must find his proper place.

It is with Rousseau that Greek political theory begins to exercise a steady and continuous influence on modern thought. For this reason Rousseau may rightly be regarded as the re-discoverer of the great truths discovered by Greek philosophers centuries ago.

Plato was a dominant influence in his thought, and with his help he liberated himself from the individualist theory of Locke, and

arrived at the collectivist theory of State expounded in the *Social Contract*. In his epoch-making work, the *Social Contract*, Rousseau advances the conception of the State as a moral organism and the doctrine of the general will. The State in his judgment is not primarily a legal association for the safeguarding of citizen's legal rights. It is essentially a moral association, through whose common life man reaches his moral perfection. Rousseau preached the doctrine of the general will and of every individual having a share in its formulation.

The profound teachings of Rousseau influenced the thought of Kant and the other German philosophers of the time and, through them, the thought of the British idealists.

Factors that led to the rise of idealism in modern times. Modern idealism had its origin in Germany. It arose on the ashes of the earlier theories which had completely discredited themselves. Among these were the social contract theory which had been smashed to pieces by such writers as Bentham and Hume ; and the eighteenth century individualism with its emphasis on unrestrained liberty and the theory of *laissez faire*.

Among the factors which went a long way to change the earlier views of the State and society were the French Revolution and the Napoleonic Wars. They pointed the way to a more positive view of the State which would call for a devotion and allegiance to the State, which was not dreamt of by the individualists. The imperialist expansion of the period also discredited individualism to a certain extent.

A factor which paved the way for idealism was the growth in various branches of knowledge such as history, economics, ethics, psychology, and jurisprudence. In the ethical field, need was felt for laying down certain norms or standards both for the individual and society. It was against this background that idealism made its appearance.

STATEMENT OF THE IDEALISTIC THEORY OF THE STATE

The idealists believe that the State is an ethical institution. In the words of Bosanquet, it is the embodiment of an ethical idea. Other important ethical institutions in society are the family and the Church. The State is the most important among these institutions. In a sense it includes all the others. Interpreted strictly, the State is

a legal organization. But interpreted broadly, it is a moral organism practically identical with society.

The State is indispensable to the fullest growth and development of human personality. Man is by nature a social being and the State is the effective organization of society for the realization of a moral end. Between the end of the individual and the end of the State there is no true contradiction.

Viewed in this manner, the State is man's best friend. The conception of Man *versus* the State is entirely erroneous. The anarchists who regard the State as an unmitigated evil and the individualists who look upon it as a necessary evil, both fail to understand its true significance.

While the ethical unit is the person and the State exists for the sake of the person, the idealists believe that the State has a will and a personality. It has a past, a present and a future, and is thus in some ways different from the individuals who comprise it at any one time. It has a continuity of purpose and steadiness of aim.

The basis of the State is, according to the idealist, will and not force. The State no doubt uses force, but that is not its primary or most significant quality. It is the embodiment of will. We ought to obey the State, says the idealist, because of the consciousness that in obeying it we advance a common good of which individual good is an intrinsic part.

In practical language, it means that the State should remove obstacles to good life. It cannot and ought not to enforce religion and morality. It should constantly keep before itself the supreme end of the individual which is the development of personality, also known as self-realization or self-satisfaction. It should maintain those conditions of freedom which are necessary for man's good life by enforcing a system of universal and impartial right. And rights, as mentioned earlier, are the outer conditions necessary for man's inner development.

As a general rule, the individual should obey the State. This does not mean that he may not criticize the political order. He is both sovereign and subject. But when the State invades the sphere of personality, he has the right of rebellion. Rebellion in such a case becomes a public duty. Even in his rebellion the individual should remember that he is still a citizen loyal to the best for which the State stands. There are two situations, says James Seth, in which the individual may rightly rebel: (a) When the State acts as a

private individual or a body of individuals; (b) When the present formulation of the general will becomes so inadequate as to require reformation.

(a) The English and French revolutions are good illustrations of the former case. At these times 'the actual State contradicted the ideal, seeking to destroy those rights of personality of which it ought to have been the custodian, and before which it was called to give an account of its stewardship.' Hence revolution was eminently justifiable.

(b) England before the Reform Bills provides a good illustration of a situation in which the general will needed to be re-formulated. In cases of this kind, re-formulation does not need to take the form of revolution. Reformation is enough. Such reformation goes on continuously in the good State where there is an articulate public opinion.

A. The German Idealists. The first to claim our attention among these is *Immanuel Kant* (1724-1804), who is generally admitted to be the father of idealistic philosophy in modern times. There are some writers, however, who would confer that distinction upon his successor, Hegel. Kant, like his political guide, Rousseau, marks the transition from eighteenth century individualism and the philosophy of 'natural rights' and the social contract to nineteenth century idealism and the conception of the State as a moral organism.

There is not much that is original in Kant's political philosophy. Rousseau and Montesquieu were the two great formative influences in his political thinking. Dunning states the matter in these words: 'His doctrine as to the origin and nature of the State is merely Rousseau's put into the garb of Kantian terminology and logic; his analysis of Government follows Montesquieu in like manner' (17:131).

In the field of morals as well as in politics, Kant adopted Rousseau's doctrine of the 'moral will' and made it the cornerstone of his whole thinking.

Respect for personality is the core of Kant's philosophy. Every individual, he tells us, is an end in himself, and no one is to be treated as though he were simply a means to another's end. The categorical imperative which should guide the actions of every rational individual is: 'Act in conformity with that maxim, and that maxim only, which you can at the same time will to be a universal law'.

From the supreme worth and dignity of man Kant deduces liberty and equality as the necessary attributes of all rational beings. His

passion for individual liberty is so great that he is not prepared to sacrifice it on the altar of the State.

Passing from the ethical foundations of Kant's political philosophy to definitely political questions, we note that Kant deals with the following subjects:

- (a) *The Social Contract.* Kant does not concern himself with the question relating to the historical origin of the State. He considers it as irrelevant and dangerous. Nevertheless he keeps the social contract on the ground that no man can rightfully be compelled to obey a law which he has not accepted of his own accord. But it is kept as a 'mere idea' as in the case of Rousseau.

It is worthy of note that none of the idealists following Kant uses the conception of the social contract even as a 'mere idea'.

- (b) *Society and the State, Civilization and Culture.* To German thinkers, society is a technical term which means something empirical or external. 'The State, on the other hand, is conceived as a moral entity, 'the creation of self-conscious reason operating on behalf of the spiritual and ideal interests of its members'. Its function is cultural and educative.

A similar distinction is made between civilization and culture. Civilization is a natural and largely unconscious growth when people live close together. It is external. Culture, on the other hand, is deliberate and conscious. It is internal. It is the working of man's inner spirit. Morality is necessary for its development.

- (c) *Property.* Like the idealists in general, Kant accepts the institution of private property. He does not adopt the Lockian teaching that a thing with which a person mixes his labour is his. He rejects the extreme individualistic doctrine of property as untenable. The ground on which he supports private property is that it is necessary for the expression of man's will. It is a derived right and does not belong to man by nature.

- (d) *Punishment.* Kant realizes that the maintenance of the supremacy of justice through a system of rights necessitates compulsion and punishment. Right must be upheld for its own sake. Therefore, the primary object of punishment is to punish. Kant does not defend punishment, either in theory or in practice, as a means of striking terror into the hearts of prospective criminals, as do Bentham and Green.

- (e) *Rights and Duties.* As is to be expected, Kant lay much stress on the rights and duties of the individual. His interpretation of rights is in the spirit of Rousseau. Right is synonymous with moral freedom. 'The only original right', he says, 'belonging to each man in virtue of his humanity is freedom'. Elsewhere he writes, 'Liberty consists in the power to do anything which inflicts no injury on one's neighbour'.

As between rights and duties Kant's emphasis is on the latter. Bernhardt says, 'While the French people in savage revolt against spiritual and secular despotism had broken their chains and proclaimed their rights, another quite different revolution was working in Prussia—the revolution of duty', and the apostle of this revolution was Kant. Duty is to him self-imposed. It is purely a matter of inner consciousness.

- (f) *The Sphere of State Action.* Kant is not a blind worshipper of the State. The general tendency of his political philosophy is individualistic. Hence we find that he does not assign a wide sphere to State action. The State is justified in repelling whatever force is opposed to freedom. The force used by the State is different from other forms of force. 'It has a sort of sacred import; for it represents force consecrated to the assertion and expansion of final goods which are spiritual, moral, rational' (14).
- (g) *The Right of Revolution.* Having lived during the days of the French Revolution, Kant's chief political work, *Rechtslehre*, published in 1797, bears on it the influence of the Revolution. Kant had a horror of revolution and, in his horror, he preached 'a stagnation which even Burke would have regarded as excessive' (79 : 28). The existence of the State is so essential to man for the realization of his moral purpose that there can be no right of revolution.
- (h) *Forms of Government.* It is interesting to note that the German idealists as a whole, in spite of their advocacy of the general will and the supremacy of the people, find it impossible to abandon their superstitious reverence for monarchy. Kant in particular, 'an aged professor in a royal university of the Kingdom of Prussia', could not bring himself to believe that the King was merely a chief executive; he had something at least of sovereignty inhering in him.
- (i) *World Peace.* Kant was enough of a child of the eighteenth

century to adopt cosmopolitanism as his creed. Nationalism as yet was a negligible factor so far as Germany is concerned. Kant conceived humanity as a whole and advocated a federal league of nations, 'each subject to the adjudication of the general collective will' (3 : 27). He believed that enduring peace could be secured among nations on the basis of such a federated union of mankind. The title of one of his important political works is *On Perpetual Peace*.

CRITICISM OF KANT'S THEORY OF THE STATE

The following are the chief criticisms to which Kant's theory of the State is open :

- (a) The ideal that Kant sketches is, as said above, an ideal without a content. It is too abstract and intellectual. It does not make an adequate use of the empirical method.
- (b) The German interpretation of the State and culture, including that of Kant, is liable to much abuse. In a sense it is right to speak of the State as the body which embodies the spirit of the people. But German thinkers use this idea too literally. World War I, e.g., was regarded by the Germans as 'an outer manifestation of a great spiritual struggle'. They regarded World War II in the same light.
- (c) In spite of his abundant use of the conception of 'moral freedom', Kant never made up his mind whether he wanted to use freedom in the ordinary sense of 'being left alone' or in the higher sense of providing opportunity for the development of man's higher faculties. 'He failed', says Vaughan, 'because he hovered between two entirely different conceptions of the State.' He wavered between eighteenth century individualism and later idealism.

Fichte (1762-1814) was a practical idealist. His political philosophy was largely influenced by the historical events of his day. He began as a cosmopolitan and ended as a nationalist. The disasters of the Napoleonic conquest were responsible for this change.

As far as his theory of the State is concerned, he follows Rousseau very closely in his earlier works. The individual and his rights occupy the central place. In the latter works, there is a decided shifting of interest. The people and the nation are placed at the centre of the scene and a scheme of state socialism is set forth as the ideal of a national State.

Unlike Hegel and his followers, Fichte takes care not to merge the individual in the sovereign State. In this respect he is like Kant and Green.

On the question of property, the starting point of Fichte is much the same as that of Kant, but he goes beyond the cautious limits laid down by his distinguished predecessor. Property, says Fichte, is not mere possession. It has *deep* moral significance.

In his *Closed Commercial State*, Fichte supports State Socialism. He supports it not on economic but on moral and idealistic grounds. Every individual has a right to labour and to a certain amount of property for the development of his moral personality. According to Hallowell, as Fichte grew older, he accepted more and more a degree of State control and Collectivism. Like Kant, Fichte upheld the independent position of the hereditary monarch in a democratic constitution.

Hegel (1770-1831). Among German idealists Hegel has had the greatest influence in his own country. There are many who claim that he, more than anyone else, was responsible for World War I of 1914-18. The philosophy expounded by him elevated the State to a mystical height and held that the German people had a divine mission to fulfil in their relation to the rest of the world.

Although proclaimed to be a typical idealist, Hegel was in a genuine sense a realist. 'He had no patience with the "Idea" or the "Absolute" whose foundations are laid in heaven'. His ideal State was not something to be realized in the distant future, but was practically identical with the German State of his day. In his attitude to the State, Hegel was an Absolutist, almost a 'Brutalist'.

The starting point of Hegel's philosophy is that the real is rational and the rational real. Essentially, God or the Absolute is Thought and Thought is the ultimate reality. 'Thought is Life and Life is Thought. (Condensed from Hallowell).

1. *Kant and Hegel*. While Kant had adopted the *a priori* or deductive method, Hegel pursued the historical and evolutionary method. As Vaughan writes: 'Analytic criticism is the dominant idea of Kant; the keynote of Hegel's achievement is evolution'.

Hegel glorified the national State and rejected international morality without any ceremony. Kant, on the other hand, was a believer in world peace and in a federal league of nations. Both, however, were firm believers in monarchy and distrusted representative institutions.

2. *Fichte and Hegel.* Fichte, as we have said already, marks the transition from eighteenth century cosmopolitanism, as seen in Kant, to nineteenth century nationalism embodied in Hegel. In him also we find an attempt to blend the German philosophy of the State with its philosophy of history.

These basic ideas of the State and of history are taken over into the philosophy of Hegel, and these appear in a more accentuated form in such works as *Outlines of the Philosophy of Rights* (1820) and *Outlines of the Philosophy of History* (1822-31).

3. *The Philosophical Implications of Hegel's Political Theory.* As in Kant and Fichte, so in Hegel, political theory is developed as part of a comprehensive system of philosophy. The keynote of this philosophy is that 'what is rational is real; and what is real is rational'. Although the historical and evolutionary method is used by Hegel at great length, it is used as an appendix to a vast body of abstract speculation.

Freedom being the essence of man, Hegel conceives man's will as free. Will, then, is free and absolute and manifests itself in various forms by applying right reason. The first of these forms is law; the second is inward morality and the third is 'the whole system of institutions and influences that make for righteousness in the national State' (2 : 27). Under Law, Hegel discusses the idea of personality, property and contract, and shows that all of them are manifestations of the free will. A living creature becomes a person only so far as it exercises free will to be a person. Material objects are property because they are expressions of man's free will and have no will of their own. A slave is little better than property because he lacks the free will to be free. Throughout his discussion, Hegel judges laws and rights 'not by a fixed standard, but with reference to the various stages of culture and self-consciousness that history reveals' (17 : Vol. III, : 157).

The second phase is subjective morality. Here Hegel discusses 'those aspects of self-determination in which the individual is affected by a consciousness of other like individuals' (17 : Vol. III : 175).

The third and final phase which Hegel conceives as the highest of the three is *Sittlichkeit*, variously translated as 'Social Ethics', 'The Ethical System,' 'the moral life,' and 'Conventional or Customary Morality'. This is the sphere where the mere externality of law and the mere inwardness of morality are reconciled. It is the sphere of concrete morality or conduct.

The successive phases of this final phase of the moral consciousness (*Sittlichkeit*) are the family, the civil or Bourgeois society, and the State.

The family. Hegel's views on this question are the conventional views of his day and are for the most part incorporated into the teachings of Green. The modern family is a necessary element of society and the State, and is at the same time distinct from both. Like other institutions, it represents an element of mind. It reveals an intelligent purpose. It is not founded on mere feeling or on mere contract. It has an ethical and public side. On the ethical side it implies monogamy and equal and permanent relations between the husband and wife. The non-monogamous family is unethical. The modern monogamous family represents a higher stage of civilization than the ancient tribal system or any other system in which 'the whole bond of union rests on mere natural feeling, kindness, generosity, or affection' (5 : 250).

The Civil Society. This presents itself to Hegel as 'the opposite extreme of life and mind to that embodied in the family' (5 : 225-3).

The Civil society stands for the economic and industrial world in which men appear as bread-earners. For the successful pursuit of their economic interests they demand police functions and administration of justice. A society of this kind does not materially differ from the State. Yet Hegel insists on this distinction, partly with a view to giving an artistic symmetry to his system by dividing it into three stages and giving the highest place to the State. The Civil Society, to Hegel, 'is not a separate society, but only an appearance within a larger system' (5 : 355). It is only within the State proper, and resting on its solid power, that such a world as that of Bourgeois society could arise or be conceivable.

The third phase is the Political Organization or the State in the strict sense of the term.

The Idea of Development. From the above treatment of Hegel's philosophical tenets, it is clear that the idea of development is germane to them. The development which Hegel traces is not the development of events or of 'institutions, but of the speculative idea. The idea—and not the facts—is the real object of our study. 'The idea, like all other things, has a history ; and it is only by following its growth in time, that its true nature can be understood' (79). The two central ideas of Hegel's system are :

- '(a) There is nothing in the whole world of men's experience which is not the creation of reason ;

- '(b) Reason being essentially a principle of growth, no one of its manifestations is intelligible, unless it be studied along the lines of its continuous development.'

Progress and Freedom. Progress is to be measured in terms of a fixed end, which is the realization of the spirit in accordance with the principle of freedom. Freedom is an idea. It is the ideal to be realized by all men; progress means the gradual realization of the idea of freedom. Freedom does not mean the mere absence of external restraints. It is not synonymous with the liberty of the individual to do what he wills with his own faculties and his own possessions. It stands for the free development of man's power—moral, intellectual and spiritual—according to the fundamental laws of his own nature.

History. To Hegel history is the pilgrimage of the spirit of man in search of itself. History is reasonable. The course is governed by reason, or Providence. The individual plays an important part in history which through the community provides ample opportunity for the free development of his personality. Man's very existence as a moral being demands the community.

World history is world judgment (Hegel). Judgment, as used by Hegel, means victory for one people and defeat for another. Victory is the final proof that the world spirit has passed from one nation to take up its residence in another. To be defeated in such a way that a nation is obliged to take a secondary place among nations is a sure sign that divine judgment has been passed upon it. This is the way that God works in human history. World history reveals four distinct stages in the realization of the idea of freedom. These stages are marked respectively by the ascendancy of the Oriental, the Greek, the Roman, and the German State systems. The Orient knew, and to the present day knows, only the *one* (i.e. the despot) is free, the Greek and Roman world that *some* are free, the German world knows that *all* are free' (31 : 104).

4. *Hegel's Theory of the State.* Hegel treats the State as the system in which the family and the civil society 'find their completion and their security' (5 : 159). The State is the individual in history. It is to history what a given individual is to biography. It is the actualization of freedom because it is the embodiment of reason. Therefore, true freedom for the individual consists in obeying the laws of the State and in cultivating 'the everyday habit of looking on the Commonwealth as our substantive purpose and the foundation of our lives' (5 : 267).

The State represents the best in the individual will. It has a will and personality of its own, apart from and superior to the wills and personalities of the individuals who compose it. The individual can attain his higher freedom only as a member of it. Rights are derived from the State and no individual has rights against it.

From these premises Joad draws three somewhat paradoxical conclusions.

- (a) The State can never act unrepresentatively; thus the policeman who arrests the burglar and the magistrate who locks him up express the real will of the burglar as a member of the State to be arrested and locked up.
- (b) The bond which binds the individual to other individuals in the community and to the State as a whole forms an integral part of his personality.
- (c) The State contains within itself, and represents, the social morality of all its citizens. This does not mean that the State is itself moral, or that it is bound by moral relations to other States or to any groups within the State itself. It is supra-moral.

All this easily leads to the absolutism, omnipotence, and infallibility of the State. It is the march of God in history. 'It is the divine idea as it exists on earth'. 'It is the divine will as the present spirit unfolding itself to the actual shape and organization of the world.' It enriches the personalities of its individual members, purging them of petty aims and all selfishness.

5. *War and Internationalism.* The nation State is the object of Hegel's veneration. He does not want it to be absorbed in the whole of humanity. An international federation he considers a mere will-o-the-wisp, because, in his judgment, the essential principle of the nation State is struggle, and this is in accordance with the divine purpose. The State can attain its uniqueness and perfection only in relation to other States. Only one nation at a time can be the fullest realization of God. The movement of God in history is seen in the way in which supreme power passes from one nation to another. War is the best illustration of such a flight of the divine spirit in its outward movement. 'The state of war', says Hegel, 'shows the omnipotence of the State in its individuality'. War is an evil, but not an absolute evil. Hegel does not aim at exalting war, but at justifying it.

International law is properly no law, since there is no superior power which can enforce its will upon the State. It represents merely

certain usages which are accepted so long as they do not come into conflict with the supreme purpose of the State.

6. *Constitution.* According to Hegel, the State manifests itself as a constitution or internal public law, as external public law, and as world history. Each one of these reveals a progressive realization of freedom—the synthesis of the universal and individual will. The three important powers in Hegel's rational State are the legislative, the administrative (including the judicial), and the monarchic. Of these three the monarchic is the most important. It is the unifying force in the State, which prevents the other two from disrupting the State.

Sovereignty, as a philosophical conception, belongs to the State as a whole. It does not reside in any one element. It resides only in the organized whole acting as organized whole. Nevertheless, in practice, sovereignty means determination by some person, though this may mean only the signing of one's name. Such a sovereign, says Hegel, is the monarch; and the monarchic principle is thus present and active in every State.

Sovereignty must therefore be assigned scientifically to the monarch, and not to the will of the people, which is vague and indefinite.

The legislature includes the prince, the administration, and the people. Without the participation of the first two elements, the unity of the State is sure to be destroyed. The popular element in the legislature must be representative of interests and classes, rather than of masses of individuals.

As for the division of power the legislature lays down general principles, the executive applies them to particular cases and the prince brings 'to a point the acts of the State by giving them the final shape of individual volition' (5 : 263). True freedom is possible only in a monarchy of the kind described by Hegel. Landed aristocracy is best fitted to govern because of its economic independence.

7. *Theory of property.* Hegel supports the institution of private property on the familiar ground that it is the material means upon which the individual will can exert itself. It is essential to the fulfilment of personality.

8. *Theory of Punishment.* Hegel, like Kant, looks at the question from the point of view of right and morality. When a right has been violated, says Hegel, it is the duty of the State to reassert it by means of compulsion and punishment, if necessary.

9. *Value of Hegel's Work.* To C. E. Vaughan we owe the following points :

- (a) Hegel grasped the connection between politics and morals more clearly, and handled it with far greater insight than any of his predecessors.
- (b) He exposed to merciless criticism the popular belief in a sharp cleavage between the individual and the State. The State, he showed, includes the whole circle of man's life. The individual, therefore, cannot be conceived apart from the community of which he is an intrinsic part.
- (c) He was the first thinker to grasp the full scope of the historical method.
- (d) He was the first to recognize the debt of the individual conscience to the instinctive sense of the community.

10. *Hegel's Limitation.* Notwithstanding these valuable contributions, Hegel's theory is subject to serious limitations :

- (a) It easily leads to the absolutism and omnipotence of the State. If the seventeenth century thinkers extolled the Divine Right of Kings, Hegel extolled the Divine Right of the State. As Barker remarks, Hegel exalted the national State to a mystical height. The State is conceived by him as an end in itself and the citizen is called upon to fall down and worship it. Such sacrifice of the individual to the State is not in consonance with our ideas of liberty and democracy.
- (b) In spite of his advocacy of the historical method, Hegel deals with the State not as a historical phenomenon but as an intellectual concept. He constructs his view of the State on the basis of his philosophical speculations and, curiously enough, identifies the ideal State with the German State of his day. In politics especially, he insists that the actual is the rational.
- (c) There is in Hegel 'a disposition to applaud the existing fact just because it is a fact and to deify successful brutality just because it has succeeded'. It is no wonder that Hegel's disciples in Germany transformed his Idealism into Brutalism.
- (d) Hegel's interpretation of world history and of the divine spirit is least convincing. We cannot help feeling that it is forced to fit into Hegel's preconceived notions with a view to glorifying the German State.

- (e) Green criticizes the Hegelian conception of the State as a realization of freedom in the following words: 'To an Athenian slave, who might be used to gratify a master's lust, it would have been mockery to speak of the State as realization of freedom, and perhaps it would not be much less to speak of it as such to an untaught and underfed denizen of a London yard with gin shops on the right hand and on the left. . . . Hegel's account of freedom as realized in the State does not seem to correspond to the facts of Society as it is, or even as, under the unalterable conditions of human nature, it ever could be' (29 : 8). The real flaw in Hegel's theory lies in mistaking tendencies for accomplished facts.
- (f) Hegel's denial of the principles of State morality and of the sanctity of international law is not in keeping with idealism, as commonly understood.
- (g) Hegel identifies the State with Society. This is a profound mistake. However closely interrelated the State and society may be, the distinction between the two should be kept clearly in view if we are to avoid State despotism.
- (h) The Hegelian theory as a whole is abstract and metaphysical and far removed from the realities of life.

Hegel's Disciples. Certain elements in the Hegelian conception of the State were advocated in an exaggerated form by later German political writers and militarists, notably by Nietzsche, Treitschke, and Bernhardt. 'All these taught the indispensability and even the nobility of war ; they deified and apotheosized the State ; they maintained that it sets its own standards of morality ; that it is not bound by the rules of international law except in so far as it chooses to be bound by them ; and that every State is itself the judge of its own international obligations, etc.' (23 : 232-33).

T. H. GREEN AS A SOBER IDEALIST

(1) *Sources of Green's Thought.* The sources of his thought are Plato, Aristotle, Rousseau, Kant and Hegel. With the Greek philosophers Green agrees in regarding the State as natural and necessary and the life of the individual as an intrinsic part of the life of the community. At the same time he differs from them as regards the aristocratic view of life held by them. While the life of self-satisfaction or self-realiza-

tion was viewed by Greek thinkers as belonging to the few, Green adopts the democratic point of view that the life of citizenship can be realized by all who are capable of a common interest.

From Rousseau, Green, like Kant and Hegel, borrows the conception of 'moral freedom' as the peculiar and distinctive quality of man. He assumes the free will of man—although within certain limits—and distinguishes between 'negative' and 'positive' freedom.

Freedom in its true sense does not mean the freedom of being left alone. When the satisfaction that man seeks is not his true satisfaction, it may be said that his will is not free. There is no moral freedom in such a case. Such a man is under bondage. True satisfaction may be described as the state of peace or blessedness. It is a state of mind in which the whole man has found his object. It is not the satisfaction of this or that particular desire. It is the realization of the whole self of man.

Green does not accept without qualification Hegel's dictum that the State is the realization of freedom or freedom objectified. Green does not endorse the Hegelian dictum: 'The Actual is the Rational and the Rational is the Actual'. Nor does he give such an exalted place to established morality.

In more ways than one Green departs from the teachings of Hegel and approaches the standpoint of Kant. Witness, for example, his view on individual liberty, war and international morality, where he is more Kantian than Hegelian. Like Kant, Green believes that the only good thing is a good will. Freedom is not something negative. It is positive. On questions of resistance to the State, the value of representative government, the place of the monarch in the constitution, the rationale of punishment, etc., he differs from both the German writers. He is at the same time a Hegelian in that he emphasizes the moral value of the majesty of the State. But this emphasis is not at the expense of the 'liberty of the subject'.

(2) *Green's Theory of the State.* The political philosophy of Green, says E. Barker, can be stated in the form of three related propositions: human consciousness postulates liberty; liberty involves rights; rights demand the State.

Green is convinced that the best way in which the State can help its individual members in the life of self-realization is by providing them with a system of impartial and universal rights. Rights, he holds, are the outer conditions necessary for man's inner development. Natural rights in the sense of pre-social rights are a meaningless con-

ception. But natural rights in the sense of moral or ideal rights are full of meaning. 'They are necessary to the end which it is the vocation of human society to realize' (29:34). The basis of rights is not mere legal recognition. It is a common moral consciousness. Rights are relative to morality rather than to law. They are the conditions necessary to the fulfilment of man's moral end.

True to the idealistic tradition, Green regards the State as natural and necessary. It is an ethical institution essential to the moral development of man. Its primary purpose is to enforce rights, even by compulsion, if necessary. The State is justified in using force because it expresses the general will of the people, and by general will Green means the common consciousness of a common end. 'Will, not force, is the basis of the State'.

According to Green, the State is neither absolute nor omnipotent. It is limited from within and without. From within (a) it is limited by the fact that law can deal only with external acts and intention and not with motives. Therefore, the State cannot promote the good life directly. It can only remove obstacles to good life. (b) It is limited also by the fact that in exceptional circumstances the individual has the duty of resistance. (c) Green further recognizes that the various permanent groups within society have their own inner system of right and that the right of the State over them is one of adjustment. As E. Barker observes: 'The State adjusts for each (group) its system of rights internally and it adjusts each system of rights to the rest externally' (3:43). Because of its power of adjustment, the State, says Green, has ultimate authority. For not adopting the pluralistic position wholesale, MacIver criticizes Green in these words: 'All through he is considering what the State can and therefore should do to secure the conditions within which man can act as a free moral being. But the poles of his thought are still the individual and the State. He does not consider how both are affected by the existence of other associations with other instrumentalities than political law. Had he done so he would have seen that the problem is not simply what the state *should* do but also what the State is permitted to do, surrounded as it is by other powers, limited as it is by definite organizations of other kinds, fulfilling functions of their own in ways of their own. Green remains on the verge of the modern problem of sovereignty' (55:41).

From without, Green holds, the State is limited by international law. Unlike Hegel and like Kant, Green believes in a universal

brotherhood of men. The right of every man as man to free life involves the conception of a common humanity and of a common social organism.

(3) *War.* (29) Holding the above point of view, Green's attitude towards war is entirely different from that of Hegel and his German disciples. War, says Green, is never an absolute right. It is at best a relative right. It violates the right of man to free life. It may be 'cruel necessity'.

Nevertheless, war is a moral wrong. The argument that those who kill in war do not intend to kill anyone in particular, does not make the violation of right any less serious.

A second argument which is often used in defence of war is that in a war between civilized nations soldiers may incur the risk voluntarily and that, therefore, there is no violation of the right to free life. Green refutes this argument. His refutation is that it does not rest with a man to retain or give up his right to life at his pleasure. (It is for the same reason that suicide is condemned everywhere).

A third argument sometimes used by those who defend war is that the right to physical life may be overridden by a right arising from the exigencies of moral life. Green is not convinced by this argument. He holds that all that the argument in question does is to shift the blame of war to those responsible for those exigencies. War remains a wrong just the same. The destruction of life in war is always wrong-doing, whoever be the wrong-doer.

A fourth argument used by some people in defence of war is that war calls out certain virtues, such as heroism and self-sacrifice and that it is the only means of maintaining the social conditions of the moral development of man. As such, they argue that war is a necessary factor in human progress. While admitting the force of this argument, Green holds that destruction of life in war is always wrong-doing. Caesar's wars of conquests in Gaul and the English wars in India were certainly followed by beneficent changes. But these changes, Green believes, could have been brought about by other means just as well.

Hence it follows that the State, so far as it is true to its principle, cannot have to infringe the rights of man as man by conflicts with other States. War is not an essential attribute of the State in its perfect condition. It may belong to the State in its imperfect actuality. But as the State becomes more perfect, there will be less and less need for war.

Therefore, we do not accept the further argument used by the supporters of war that conflict between States is inevitable. It is not because States exist, but because they do not fulfil their functions as States in maintaining and harmonizing general rights, that such conflicts are necessary. The conclusion to which Green is driven is that no State as such is absolutely justified in doing a wrong to mankind, though a particular State may be conditionally justified. War cannot be condemned on the ground that it is a necessary incident of the existence of States. There is no ground for holding that a State is justified in doing whatever its interests seem to require irrespectively of its effects on other men. War at best is only a relative right.

The sixth and the final argument used in defence of war is that Green's cosmopolitan view will destroy patriotism and national life and necessitate a universal empire. Green's reply to this argument is that public spirit, to be real, must be national, but the more a nation becomes a true State the more does it find outlets for its national spirit in ways other than conflicts with other nations.

The identification of patriotism with militarism is a survival of the times when States in the full sense did not exist. Patriotism and militarism are by no means identical. Standing armies are a proof that mankind is not yet thoroughly organized into political life. They are due not to the development of a system of States, but to circumstances which witness the shortcomings of that system.

(4) *State Action.* As said earlier, Green conceives State action in negative terms. Good life is for the most part self-earned. The State cannot promote it directly. All that it can and should do is to remove obstacles that lie before human capacity as it seeks to do 'things worth doing'. A good act is good only when it is done spontaneously, that is, from a disinterested motive. Acts done under compulsion lose their moral value. What the State must do, therefore, is only to enforce those acts the doing of which, *from whatever motive*, is necessary for the good life within society.

Applying the theory to the practical conditions of his day, Green considers ignorance, drink, and pauperism obstacles to the free expression of human capacity, and is, therefore, in favour of a considerable range of State action in the removal of these obstacles. This point needs stressing because idealism is sometimes criticized as being a high sounding justification of hidebound conservatism. Sabine writes : "What Green added to liberal theory was the conception of

collective well being as a pre-condition of individual freedom and responsibility."

(5) *Punishment*. Green's treatment of this question is an intrinsic part of his theory of State action. The criminal's will, which is anti-social, constitutes a force opposed to freedom. Punishment in such a case is a force directed against that force. Punishment is not inflicted with any direct reference to the moral guilt of the offender in the past, or to his moral reformation in the future (3 : 48).

(6) *Property*. On this question, as many others, Green takes a liberal view for his day. He is neither a defender of private property in all its aspects nor an out-and-out critic of it. To use modern terminology, he is neither an individualist nor a socialist. He defends property in general on the ground that it is indispensable to the expression of man's personality. It is a corollary of the right to free life. It is the external means by which the invisible self of man is made visible. It provides man an opportunity to give a concrete expression to his ideas, and ideals his aims and aspirations, whether he actually uses it to that end or not. Every man should have the opportunity to earn property, because every one has the capacity to partake of a common social good. But this capacity varies from man to man. Therefore, property should be unequal. Different men have different functions to fulfil in the life of the social whole, and inequality of property is a necessary condition of it. When, however, some people acquire or retain property in such a manner as seriously to interfere with the realization of the wills of others, the State should step in to redeem the situation. On this ground Green justifies the restriction of private property in land, and opposes family settlements. His ideal is 'a class of small proprietors tilling their own land'. The State is not to appropriate unearned increment. Green defends freedom of inheritance and freedom of trade.

(7) *Representative Government and Practical Politics*. Unlike Kant and Hegel, Green was a firm believer in representative government and an advocate of a wide franchise. He was an active liberal in politics and not a mere academician. 'He had always a lively sympathy for the middle class and non-conformity. He had, besides, a keen interest in education and licensing reform. . . . In the civic politics of Oxford he took a share which has made his name a tradition and an example in the university. In national politics, he was a liberal of the school of John Bright, and from 1867 onwards he appeared on political platforms' (3 : 31).

(8) *Criticism and Appreciation.* Among those who have adopted the idealistic point of view Green seems to be the most sober. His justification of property in capital, his depreciation of any attempt on the part of the State to appropriate unearned increment, and his stress on the deterrent theory of punishment, may not commend themselves to us today. 'But what matters is rather his principles than his analysis of a particular set of conditions or his suggestions of a particular policy. If his principles are true, each age can progressively interpret their meaning to meet its own needs'. His firm hold on the worth of persons, his deep sense of the liberty of the individual, his conviction that individual good is an intrinsic part of social good, his refusal to raise the State to a mystical height, his recognition of a universal brotherhood and international law, his eagerness to place limits on the power of the State so that spontaneity in the performance of moral acts may not be deadened, his emphasis on rights, his view that property is a means for the expression of personality, and his admission that in extreme cases the individual has the duty of resistance—all these are as sound today as they were when Green's lectures were delivered (1879-80).

In the striking words of E. M. Burns (*Ideas in Conflict* p. 251) "Green was the most liberal of the new idealists. In fact, he is sometimes considered the real father of the liberalism of the twentieth century. It is not concerned essentially with the life, liberty, and pursuit of happiness of atomistic individuals, but with its welfare of the whole society and especially with the welfare of its less privileged members. Green owed almost nothing to the natural rights, *laissez faire* philosophy of his English predecessors".

F. H. Bradley (1846-1924) is more Hegelian than Green ever was. In his chapter on *My Station and its Duties in Ethical Studies*, Bradley expounds his theory of the State. E. Barker regards this theory as a combination of the Platonic conception of justice with the Hegelian conception of *Sittlichkeit*. Without going into the details of Bradley's view of the State, we may say that the conception of a moral organism is the central feature of it. The sum of relations in which man stands constitutes his position or station in society. It is the duty of every man, says Bradley, to find that position in society and fulfil the functions attached to it. In so doing, he obeys the law of his being. All this means that for the individual morality consists in the fulfilment of his station and its duties.

Bradley realizes that no given State is a perfect embodiment of

the ideal which he sketches. At any given time the morality of the State may be on a lower plane than the public conscience of the people or ideal morality. Again, individuals may desire to rise above the narrow limits of their station in the community and realize a cosmopolitan morality. All this may lead to the realization of 'all humanity as a divine organic whole' (3 : 66).

The chief criticisms to which Bradley's theory is open, are :

- (1) No careful distinction is made between the State and society. The State as described here is really society as well as the State.
- (2) 'My station and its duties,' is a phrase difficult of interpretation. It may be construed to mean that the individual should be satisfied with whatever lot has befallen him and should carry out the duties of that station without complaining, even as the law of Dharma has meant in relation to caste. Such an interpretation would, of course, make idealism synonymous with hide-bound conservatism.

B. Bosanquet (1848-1923). Hobhouse characterizes him as Hegel's most modern and most faithful exponent.' This is somewhat of an exaggeration. We are safe in saying, however, that Bosanquet begins with Rousseau and Green, and ends almost in Hegel.

The starting point of Bosanquet's theory is the conception of the free moral will of man expounded by Rousseau. True freedom, to all idealists, consists in willing rational, universal objects. The exposition of Bosanquet's doctrine falls into three stages : (1) distinction between the 'actual' will of the individual and his 'real' will ; (2) connection between the 'real' will of the individual and the 'general' will of society ; (3) the State as the supreme expression of the general will.

- (1) Using the terms 'actual' and 'real' in a technical sense, Bosanquet consistently uses the term 'actual' to describe man's impulsive, unreflective, or recalcitrant will, and the term 'real' to describe his rational or 'constant' will.
- (2) The 'real' will of the individual does not stand alone. It is bound up with the 'real' wills of other individuals in society and becomes the 'general' will. This means that the individual can make the best of himself only in society.
- (3) The State is the perfect embodiment of the general will. The common life of society depends upon the law and political order provided by the State.

The various ethical institutions in society are the family, the neighbourhood group, the nation State, and the like. Of these the State is the most supreme. It is *the* ethical ideal. It is a source of all-pervading adjustments. It is an operative criticism of all institutions. In its narrow sense, it is a political organization using force. It puts its seal of approval on all those social efforts which are beneficial in their nature.

In a broad sense, it stands for the general organization and synthesis of life and is practically synonymous with society. This latter interpretation of the State as a working conception of life as a whole brings Bosanquet very close to Hegel.

Green and Bosanquet. A close study of these two writers reveals not only striking resemblances, but also striking differences.

Resemblances :

(1) Like Green, Bosanquet assumes the indispensability of the State for the realization of man's higher life. But unlike him, he comes close to the Hegelian conception of the free absorption of the individual in the spirit of a nation.

(2) On the nature of the State and the proper sphere of State action, there is little to distinguish Bosanquet's theory from that of Green. Both writers believed that while the State is an ethical institution, it cannot, in the very nature of the case, promote morality directly.

(3) Unlike the German idealists, and particularly Hegel, neither Green nor Bosanquet is a believer in absolute monarchy. True to the English tradition, they both believe in representative government as the best form. But Bosanquet's reverence for the State is so great that it may easily lead to State absolutism.

Differences :

(1) On the question of resistance to the State, Bosanquet adopts a more conservative point of view than that adopted by Green. The State as representing the will of the community, has the sole right of judging when the expressions of the individual conscience are dangerous to the welfare of the community. His general conclusion is that the orderly processes of the State 'as sole organizer of rights and as guardian of moral values' are so important that the 'right of rebellion' may be regarded as almost negligible.

(2) In his theory of punishment, Bosanquet departs to some

extent from Green. Both thinkers adopt the element of deterrence in punishment as the most essential. However, Bosanquet's view is somewhat more positive than that of Green.

(3) In his treatment of war and international morality, Bosanquet parts company with Green most decidedly. As seen already, Green condemns war as wrong because it violates the rights of every rational being to free life. Bosanquet adopts a totally different point of view. He makes a distinction between the acts of the State as such and the personal acts of individual statesmen and insists that it is altogether inappropriate to apply to acts of the former category moral terms like murder and theft.

To the question whether or not it is possible to remove these conflicts which arise out of the many-sidedness of life by recognizing humanity as a unit, Bosanquet returns a negative. His answer is that at present there is no organization of humanity, no connected communal consciousness. States are not united to one another in the way that individuals in a State are united together. The League of Nations, he contends, was just a means to make international law more effective. It was not a single community. There were no common aims and common life. Humanity is an aggregate rather than an organism. Our primary loyalty is to a quality and not to a crowd; it is to the best life of our own community. From a religious point of view one might say that both these loyalties should coincide but not in the practical secular life.

Criticism and Appreciation of Bosanquet's Theory:

(1) Hobhouse, who is a vehement critic of Bosanquet, criticizes him for his doctrine of the will. He holds that the distinction between the 'actual' and 'real' will is altogether false and claims that the actual is the real and the real is the actual.

Hobhouse says that there is strictly no part of the individual which is more real than any other part. But we know from experience that one act is not exactly the same as another. We constantly differentiate between moods and act. By 'actual' Hobhouse means that all the acts expressive of the will—good and bad—are there. No one denies that. The question is, do they all have the same quality or value?

Calling to his aid the average man, John Jones, Hobhouse argues that if Jones is to give up his selfish will, his will must be transformed. Bosanquet would not use the word 'transformed', because the individ-

ual is rational even at the beginning. What Bosanquet calls 'real', Hobhouse calls 'good', 'rational' or 'harmonious'.

Passing from the distinction between the 'actual' and the 'real' will to the conception of the general will, Hobhouse asks, what ground is there for assuming that the harmony between the individual and society will express the true will of the individual? Suppose an individual desires to get the better of others. How are we to show him that this is not his 'real' will? Hobhouse answers it by saying, 'Consistency be hanged! I'll do what I please.'

When Bosanquet uses the phrase 'the general will', he has in mind a general scheme running through a common nature or a common structure. Common nature does not mean that all are identical. General will stands for a common social nature determining the lives of individuals. But it is not identically the same in every one of the people. Hobhouse says, 'In quality and character, these real wills are indistinguishable'.

A little later Hobhouse attempts a definition of 'self'. In this definition he emphasizes physical, bodily things. He forgets that the things that unite us with other people are not private, personal things. Bosanquet, on the other hand, places it in the higher spheres. According to him, individuality expresses itself in the share it takes in the common life of society. Bosanquet can quite as well work with Hobhouse's phrase 'individual of a higher order' as with general will. The point to remember is that we cannot draw hard and fast lines between two individualities, although we can draw those lines on the bodily side.

(2) Bosanquet's conception of the social mind or social will, together with the related conception of a social organism, has also been questioned by critics. Here, again, it seems to us that Bosanquet stands on a much more solid ground than do his critics.

Bosanquet is right in insisting that only in society the individual can make the most of his life. No one can develop his human nature in a well-rounded way apart from society. This, however, is not the same as saying that there is no conflict between the individual and society in practice, as Bosanquet is apt to hold. Ivor Brown, who criticizes Bosanquet says, "This conception of the State as a social organism, transcending all the individual organisms that compose it is.....fundamentally undemocratic' (6 : 144). Nevertheless, there is some justification for Brown's charge that, in his doctrine of the general will, Bosanquet 'puts into the hands of the governing class

and of those who can worm their way into that charmed circle a weapon of infinite menace' (6 : 145). 'If the concept of the social organism is rigorously applied the result is State-slavery on an unparalleled scale' (6 : 148).

(3) As shown above, Bosanquet practically identifies the State with society and comes very near to a belief in the free absorption of the individual in the rational State. These are blemishes in his theory against which we cannot defend him.

(4) Neither can we defend Bosanquet's views on war and international morality. The State is responsible for the actions of its agents. It is quibbling with words to say that the actions of the State as such are different from the acts of its accredited representatives. Both the State and its agents are responsible to the moral judgment of the world. As Ernest Barker puts it, 'If a citizen can...treat his own State as legally responsible for damage, it is difficult to see why a State, which can undergo legal responsibility, should not also undergo moral responsibility if there is any body of moral opinion to affix responsibility (3 : 78-9).' Bosanquet is too full of enthusiasm for the State when he claims that the State 'has no determinate function in a larger community, but is itself the supreme community, the guardian of a whole moral world, but not a factor within an organised moral world' (5 : 302).

Many and varied are the criticisms which have been levelled against the idealistic interpretation of the State.

(1) Critics of idealism say that it is a purely abstract and metaphysical theory and that it does not deal with realities. The conceptions which it presents are far removed from the actual conditions of life. Thus William James describes the idealistic theory as 'a rationalistic philosophy that indeed may call itself religious, but that keeps out of all definite touch with concrete facts and joys and sorrows'. It is a purely intellectual theory. It considers man as a rational being and leaves out of account the other aspects of human nature. The State is presented in terms of conscious reason and will, and such factors as habit and imitation, feelings and passions are entirely ignored.

We admit that a considerable part of the teaching of the idealists is abstract and metaphysical. It gives a theoretical basis to practical facts. Political science being a normative science will be failing in its duty if it does not provide us with ideal types and standards. It is not

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Defence*

a mere descriptive science. Apropos of this, Garner writes : 'Like ethics political theory is concerned with what ought to be as well as with what actually is ; the real nature of a thing is what the thing is when its growth is fully developed ; the political philosopher, therefore, may very properly idealize the State and deal with it in its imaginary splendour and perfection' (23 : 238).

When the idealist claims that the State is the product of reason and the rational will, he does not pretend that political life and political institutions have come into being as a result of careful reasoning. What he means is that, looking at the development through the ages, it is clear that man's reason has been in operation all the time even though in an indirect and implicit manner. 'If it had not been present, the development would have ended not, as it has done, in a rational system of organized life which our reason can understand, but in a confused amalgam of taboos and instincts and habits which would have no meaning, no connection, and no reason' (3 : 83).

The idealist admits that even today, in spite of the great advances that man has made in various directions, his actions are not often dictated by conscious reason. They are frequently the result of habit or unconscious limitation.

(2) Even those who admit the importance of reason and will in a consideration of State life, feel at times that idealism mistakes ideals for actual facts. Instead of realizing the ideal, it idealizes the real. This tendency is particularly marked in Rousseau and Hegel. Hobson goes so far as to describe idealism as 'the tactics of conservatism.' The social reformer despairs of it, because it seems to preach 'the divine right of things as they are'.

This criticism is not without its justification. Aristotle idealizes slavery; Hegel glorifies war; and Green is able to reconcile private ownership of capital with his liberal tendencies. Our only defence is that there is no necessary connection between idealism and conservatism. It is quite possible to argue for a radical social programme on the basis of idealism as it is to argue for conservatism. The phrase 'removal of obstacles to good life' is so broad as to include extensive State action, depending of course upon external circumstances and the predilections of the persons employing the idealistic theory.

(3) In close connection with the above criticism, it is sometimes said that the idealistic theory is too negative in character, especially in the sphere of State action. The idealists hold that the State can deal only with external acts since it uses compulsion. It cannot deal

with motives. There is no way by which the State can directly promote moral excellence or perfection.

In defence of idealism, it may be said that, while the theory of State action is stated in negative terms, the results are positive. Individualism glorifies the individual and treats him as the end to which society is only a means. Socialism and Hegelianism go to the other extreme and claim for the State 'the glamour which belongs to the highest self-expression by which man transcends his isolation (5: p. XXXIII)'. English idealism, on the contrary, takes the middle course, although we cannot help feeling that both Green and Bosanquet exaggerate the purely negative aspect of State action.

(4) The idealistic theory, remarks Bosanquet, is said to be too narrow and rigid. Critics say that this theory may have been applicable to the simple conditions of ancient Greek City-States where no distinction was made between the State and society. But under the changed conditions of today, it is said that the State should be carefully distinguished from society and that a more adequate place should be given to the permanent associations within society than has been given by the traditional monistic theory.

We admit that many of the idealists fail to separate the State from society and that this failure leads to the sacrifice of the individual to society. At the same time, we are not prepared to admit the pluralistic point of view which seeks to reduce the State to a place of absolute equality with other associations in society.

Another sense in which idealism is said to be too narrow is in its alleged emphasis on the moral and spiritual goods of life to the exclusion of the material. The end of the State is assuredly good life or the excellence of souls. But this does not mean that the idealist advocates the direct promotion of good life by State action. Nor does it mean that he is altogether oblivious to the material needs of man. A perusal of Green's theory, for instance, is sufficient to show how close this writer keeps to the concrete facts of social life.

The ground on which idealism is said to be too rigid is in connection with the difficulty of locating the general will. Pluralists either deny the conception of the general will altogether or claim that each permanent association within society has a general will and personality of its own. The idealist does not refuse to admit that groups or associations other than the State can have a will and personality of their own. All that he wants is that the State should be given a

unique place in society on account of the special tasks which it is called upon to perform.

Joad denounces idealism as unsound in theory, untrue to fact, and liable to extend a dangerous sanction to the more unscrupulous actions of existing States in the sphere of foreign policy.

- (a) Both Joad and MacIver claim that the idealists identify the State with society and that this is a serious flaw in their theory. This criticism is no doubt applicable to the German idealists and to such British idealists as Bradley and Bosanquet; but is not applicable to such sober idealists as Green. MacIver argues that the community may be regarded as possessing 'an enduring mind (55:451),' but not the State.
- (b) We agree with Joad when he argues that to say that man cannot develop himself fully apart from the State is not to accept the omnipotence of the State. But the assumption that he makes that the idealists as a whole believe in the omnipotence of the State is a mistake. We have already seen how narrowly Green and Bosanquet limit the sphere of State action. Joad draws a false contrast between the individual and the State when he writes: 'The State exists for individuals, individuals do not exist for the State (41:18).'
- (c) Both Joad and MacIver consider the distinction between the 'real' and 'actual' will as unsound in theory and unreal in practice. Joad defines 'real' will 'as a will to carry out every decision of the majority of an association to which I belong' (41:19).
- (d) MacIver, in particular, attacks the idealistic doctrine of the personality of the State. His argument is that a State consists of persons, but that does not make the State a person any more than a grove of trees is itself a tree or a colony of animals an animal.

Many of the criticisms of MacIver and other opponents of idealism apply to individual governments, but do not apply to the State as such. The mistake made by some idealists is in identifying the actual government of the day with their ideal State.

While not apologizing for extreme forms of idealism, as found in Hegel, we believe that the sober idealism of the type presented by Green has much to commend it.

- (1) It maintains a close connection between ethics and politics,

and rightly holds that no political progress is possible apart from the application of the highest moral principles to our individual and social lives. Separation of politics from ethics is disastrous to both.

(2) It insists on the organic unity of society and shows clearly how society is held together by the State. Individual development is impossible in isolation. The true good of the individual is to find his proper place in the common life of society.

(3) It holds that the highest form of good is a self-earned good. Any form of State action which is a hindrance to the spontaneous performance of morality stands self-condemned. Individual initiative, enterprise, and originality should have free scope for their manifestation in every well-ordered society.

(4) Idealists are justified in placing before us a goal towards which political progress may be directed. To the extent to which this ideal is a mere Utopia or the product of one's fancy, it is futile. But to the extent to which it is based upon what we know of human nature and the practical conditions of social life, it is valuable. The ideal presented by the idealists is capable of realization. It is not an idle dream.

Summing up the case for idealism, Garner writes : 'It may be said of much of the criticism which has been directed against the idealistic theory that it is unfair, exaggerated and based upon a misconception of the theory itself. In so far as the idealists exalted the State above all other human associations, regarded it as indispensable to the realization of the good life, and held that, as such, it is entitled to the loyalty of the citizen and may demand sacrifices of him to preserve its existence, that it is the sole source of law and of rights, and that in it alone, is the individual capable of realizing fully the ends of his existence, and that without it human progress and civilization would be impossible, the theory is entirely sound and irreproachable' (23 : 238).

PRAGMATISM IN POLITICS

Pragmatic Criticism of the Idealist Theory:

It should be made clear at the outset that Laski was not a profound philosophical thinker. He was not interested in metaphysics and never devoted himself to a serious study of the problems of speculative philosophy. But in his youthful days he became temperamentally associated with the pragmatic movement in contemporary

*American philosophy.*¹ The ideas of the American pragmatists influenced his outlook at this stage to a considerable extent. He acknowledges a profound intellectual indebtedness to the pragmatic philosophy of William James who was a source of great ideological inspiration to him.² Laski, therefore, criticizes the idealist theory from the point of view of pragmatism.

It is from William James and other pragmatists that Laski borrows his empirical method which he regards as the only adequate method in scientific inquiry. He considers the work of these philosophers in discrediting metaphysical absolutism as of lasting benefit to humanity. He feels that the monistic dogma has been a stumbling-block in the way of all progress. Absolutism has always been a rationalized plea in favour of the status quo. Ethically, it has always endeavoured to bridge over the distinction between good and evil because the absolute must be a harmonious whole. Idealism has always preached acquiescence in the evil rather than struggle against it. Laski recoils from the wooden uniformity of monistic systems in order to seek comfort in the pluralistic universe of James.

Scientific Method and Pragmatism:

Laski once himself explained the cause of his unusual interest in the pragmatic philosophy. "The real cause of the sudden interest in pragmatism," he tells us, "was the impact of scientific method and its immense social consequences upon a pure metaphysics which, in the cloistered atmosphere of academic life, made a futile distinction between thought and deed, between theory and practice. Pragmatism was an attempt at their integration. It urged the need to recognize that thought is an instrument of life, and that in life the process of which thought is a part seeks to verify hypotheses which are expected to prove capable, as they are applied, of satisfying the demands men make out of their experience" (121:726).

A Philosophy of the Modern Age:

Pragmatism is essentially a philosophy of the modern age, having its rise within the twentieth century. It is essentially a philosophy of

1 W.Y. Elliott: "The Pragmatic Revolt in Politics", Chapter V—"The Politics of Mr. H J. Laski": 142-76 (1st Ed. 1928).

2. Harold J. Laski: "The Problem of Sovereignty," p. 23; "The Foundations of Sovereignty", p. 169; "A Grammar of Politics", p. 261.

life as distinct from the philosophy of abstractions. It is not only a philosophy but also a movement, a programme of action and a way of life.¹ "It makes philosophy", as Laski says, "an activity for the market-place and not a debate upon definitions confined to the cloister. Indeed, it may well claim that it has the immense merit of insisting upon the importance of philosophy to ordinary people instead of depriving them of its instruction by transforming it into a monkish vocation for a handful of scholars. In its essence, it urges upon the philosopher the need, if he would find the meaning of truth and good, to find them in the experience of daily life" (95:726).

Pragmatism of William James:

The fundamental message of pragmatism is the spirit of youth, adventure, and experimentation. "A pragmatist," says James, "turns his back resolutely and once for all upon a lot of inveterate habits dear to professional philosophers. He turns away from abstractions and insufficiency, from verbal solutions, from bad *a priori* reasons, from fixed principles, closed systems, and pretended absolutes and origins. He turns towards concreteness and adequacy, towards fact, towards action and towards power. That means the empiricist temper regnant and the rationalist temper sincerely given up. It means the open air and possibilities of nature, as against dogma, artificiality, and a pretence of finality in truth."² The importance of the ideas of James can be judged from the serious controversy they immediately precipitated in the contemporary philosophical world and from the loud denunciations they received from the idealist philosophers.³

Idealism and Pragmatism Compared:

There is a world of difference between the traditional idealistic

1. W.Y. Elliott: "The Pragmatic Revolt in Politics," Chapter I pp. 45-68.

2. William James: "Pragmatism", p. 51.

3. Laski makes an interesting comment on this controversy:—"I venture the guess that no small part of the angry debate which centred around the discussion of pragmatism forty and fifty years ago is set in a social framework of very considerable interest. The major exponents of pragmatism, William James in the first place, and John Dewey in the second, were both Americans who so restated the central problems of philosophy that for the first time since the great debate between official theology and the Darwinians they commanded the interest and attention of the whole civilized world". (Quoted from "The American Democracy", Chapter XIV, p. 726).

and the new pragmatic approach to philosophy. While idealism is monistic, determinist and rationalistic in outlook, the pragmatism of James is pluralistic, evolutionary, voluntaristic and empiricist in temper. The idealist takes a highly abstract but quite conservative and stationary view of the world. The pragmatist on the contrary interprets the world in a positivistic, experimentalist and progressive way. While idealism is a philosophy of the *status quo*, pragmatism is a philosophy of social change, evolution and progress (121:446).

Pragmatic Theory of Knowledge:

Reality, as conceived by the pragmatists, is fluid, changing, evolving and constantly transforming itself into something new. It is neither mental nor material but vital. The pragmatic epistemology denies the correspondence and coherence theories of truth and evolves its own instrumental theory of truth.¹ Laski is attracted by the pragmatic epistemology as its necessary consequence is the empiricist outlook that condemns as unwarranted the rationalistic search for cosmic unity. In other words, the pragmatic epistemology enables him to formulate his pluralistic conception of the world. The world of the pragmatists is pluralistic not only in the spatial sense but also in the temporal sense. James says, "Mind *engenders* truth upon reality. Our minds are not here simply to copy a reality that is already complete. They are here to complete it, to add to its importance by their own remodelling of it, to decant its contents, so to speak, into a more significant shape. In point of fact, the *use* of most of our thinking is to help us to *change* the world."² Thus the purpose of James to rouse the philosophers from their 'monistic slumber' is fulfilled.

Pragmatism as Unconscious Ally of Idealism:

The most serious criticism that can be levelled against the pragmatic theory is that it is an unconscious ally of idealism which it wants

1. William James: 'Pragmatism', p. 201. "True ideas," says James, "are those that we can assimilate, validate, corroborate and verify. False ideas are those that we cannot.... The truth of an idea is not a stagnant property inherent in it. Truth *happens* to an idea. It becomes true, is made true by events. Its verity is in fact an event, a process; the process namely of its verifying itself, its verification. Its validity is the process of its validation".

2. William James: Letter to the "New York Times", November 3, 1907 quoted by Ralph H. Gabriel in "The Course of American Democratic Thought", p. 286.

to refute. It is true that the idealist writers have taken grave objections to certain aspects of the pragmatic theory but the whole controversy seems artificial when the broad results of the two theories are critically examined. As Laski himself later realised, the idealist and the pragmatist arrive at similar conclusions by travelling a different route (121: 447). Josiah Royce was the most prominent American idealist who criticized vehemently some of the new assumptions of William James. But to an independent observer, the differences between their philosophies seem quite superficial and the points of similarity really remarkable. While Royce justifies his belief in the Absolute on rationalistic grounds, James is prepared to revere the Absolute as a pragmatic need of the finite human beings. Thus even monism appears in the philosophy of James from the side-door. "Is not James," asks Laski in disillusionment, "driven to admit that we all end in the bosom of the Absolute, even if he permits himself to hope that the Absolute is—if we only will hard enough—perhaps a little less Absolute than Royce had prophesied? And if that be the right conclusion, are we not bidden to find fulfilment less in the arrival at our own end than in the journey down that road which is the way to which the Absolute compels us" (121:449).

It seems that much of the sound and fury of the pragmatist fails to hit the mark. It is all the more ridiculous when it is understood that this sound and fury is directed against an idealism which is most probably its ideological ally. It has been rightly pointed out that 'radical empiricism' of the pragmatic thinker logically leads to subjective idealism and solipsism. Pragmatism also compromises its position by acknowledging the Absolute as the fulfilment of finite wills. It means that the pragmatist substitutes a voluntaristic route for the rationalistic one of the Hegelian idealist but, nevertheless, arrives at the same destination. Thus it seems that the victory gained by the pragmatist over his idealistic adversary is at best a pyrrhic victory.

Liberal Temper of Pragmatism:

Pragmatism became a popular philosophy primarily due to its liberal temper as opposed to the conservative temper of contemporary idealism. But the distinction suggested here is mainly a distinction of emphasis and not that of quality. Sometimes it has been suggested that pragmatism is a philosophy of "cosmic republicanism". But this description is nothing more than a figure of speech. To equate idea-

lism with evolution and stability may be correct but to identify the pragmatic creed with a cult of revolution and anarchy cannot be justified. The ideas of James and Dewey may be less conservative than those of Bradley and Bosanquet but they are certainly not more liberal or radical than those of Royce or Green who are both idealists.

Middle-Class Philosophy:

As Laski subsequently realised, pragmatism and neoidealism in modern philosophy represent the same social background. They are both essentially middle class philosophies. They are both byproducts of the same economic and social forces. While the philosophy of the Oxford idealists symbolizes the spirit of a triumphant English bourgeoisie, the struggling American bourgeoisie has chosen the pragmatic cult of James as the intellectual medium of its self-expression (121: 166). It is to be noted that pragmatism remained a source of ideological inspiration to Laski only during the pluralistic phase of his political outlook. The influence of James on Laski's thought declined as his political theory drifted away from pluralism.

Impact of Pragmatism on Laski's Thought:

There are three important points of contact between the pragmatic philosophy of James and the pluralistic political theory of Laski. In the first place, the argument against the sovereign power of the state sounds peculiarly like the protest against the all-inclusiveness of the Absolute. Secondly, it is submitted by both Laski and James that the "experimentalist" method is the only valid method of scientific inquiry in their respective spheres of study. Thirdly, the pragmatic cult of James and the pluralistic theory of Laski are essentially the dogmas of conservative reconciliation. They can in no case be regarded as radical doctrines having any kind of revolutionary potentiality. It cannot be inferred from the above that there is a logical or necessary connection between philosophical pragmatism and political pluralism. It merely shows that both these theories have been cast in a kindred psychological temper.¹

Inadequacy of Pragmatic Pluralism:

Finally, we find that both James and Laski had to modify or even abandon their pluralistic views in philosophy and politics respectively

1. C.H. Kung: "Political Pluralism—A Study in Contemporary Political Theory", Chapter VII: 206-7.

which they so tenaciously upheld in their youth. James modified his pragmatic pluralism to profess a conditional belief in the Absolute as a moral holiday.¹ Laski abandoned his political pluralism because it did not explain the impact of economic forces on political evolution. He adopted a revised form of Marxism because it alone could give a satisfactory answer to contemporary problems in various spheres. The conversion of Laski and James to new monistic ideals demonstrated the insufficiency or incompetence of the pluralistic ideal in the realms of political and philosophical theory to a great extent.

Rejection of the Ethical Conception of the State:

Laski has rejected the ethical conception of the state as propounded by various thinkers of the idealist school from Hegel to Green. But he does not suggest, as Machiavelli and Hobbes did, that ethical questions are irrelevant in political science. This is evident from the fact that he pleaded resolutely for the 'sovereignty' of the individual conscience as against the sovereignty of an impersonal brute force called the state. Thus the pluralistic protest against state sovereignty is basically a protest of the moralist.

The ethical ideas of Laski have been set forth in relation to his conception of conscience and the theory of allegiance. His approach in ethics is similar to that of an intuitionist but not identical with it. His theory of allegiance is in essence a doctrine of moral pluralism.

Internal and External Standards of Moral Judgment:

There are two important standards by which the actions of human beings are judged to be right or wrong. The standard of moral judgment may be either external or internal. If it is external, it may be custom, law or the state. If it is internal, it is intuition or conscience. Laski prefers the internal standard of moral judgment to the external standard and thus adopts an intuitionist position in ethics. The external standard leads to moral determinism leading to regimentation of personality. It preaches obedience to some form of authority. Laski believes in libertarian ethics which proclaims the sovereignty of conscience. "Freedom means self-expression," says Laski, "and the secret of freedom is courage. No man ever remains free who acquiesces in what he knows to be wrong. His business as a citizen is to act upon the instructed judgment of his conscience."²

1. Ibid, p. 203.

2. Harold J. Laski: "The Dangers of Obedience", p. 7 (1950 Ed.).

Pluralism as an Ally of Individualism:

It is obvious that Laski's conception of conscience as the supreme factor in moral action involves an individualistic attitude to human personality. In the moral sphere, pluralism appears as an ally of individualism. Laski's ideas are in this respect in fundamental harmony with those of John Stuart Mill as propounded by him in his brilliant essay on liberty. In opposition to Bradley, Bosanquet and Green, Laski continues in contemporary British thought the individualistic traditions of Locke and Mill. Attachment to individual liberty conceived primarily in intellectual and moral terms is the characteristic feature of Laski's political thought not only during the pluralistic phase but also after his adoption of a Marxian approach to world problems.

The Source of Moral Sanction in the General Will:

The idealists think that the standard of moral judgment cannot be left to the capricious wills of individuals which are many and conflicting. The source of moral sanction should be sought in an ideal fixed by an external authority which harmonises and transcends the conflicts of actual wills. As the organized expression of the general will of the community, the state is the most adequate moral agency to prescribe morality for its citizens. While the conscience or the actual will of the individual may be capricious, irrational and immoral, the general will is by definition precise, moral and rational. The citizen, therefore, cannot rationally and morally disobey the state. This is the monistic ethical position in political theory. The reply of Laski would be that only a conceptual state having a cerebral existence in the minds of the idealist philosophers can represent the so-called general will. The states as they exist in the world of the empiricist can represent only the will of those individuals or groups who form the ruling class at a particular moment of history. Pragmatically speaking, the will of the state at a particular time is the will of the government of the day.

Irrational Acts of Government:

As the government is composed of fallible men, the will of the state which expresses itself through the law, orders and decrees of its government cannot always be rational and moral. History shows that there can be no *a priori* moral distinction between the governors and the governed. There are circumstances when acquiescence in the

will of the State is immoral. There are indeed situations in which resistance to the will of the state becomes a moral duty of its citizens. A Negro citizen in the United States is morally bound to resist the state that passes discriminatory laws against his race. A colonial subject is similarly entitled to rise in rebellion against the imperialistic state that oppresses his people. Thus the moral superiority of the conscience as the standard of moral judgment is obvious.

The Doctrine of Plural Allegiance:

This repudiation of the monistic ethical position in political theory enables Laski to formulate his theory of plural allegiance. The theory of plural allegiance is an immediate consequence of his conception of conscience the standard of moral judgment. Laski thinks that the state is not entitled on moral grounds to claim the total allegiance of its citizens. The moral pre-eminence claimed by the sovereign state for its own will over the wills of all other groups in all circumstances cannot be justified rationally. Man is a creature of competing loyalties and Laski cannot accept on a *priori* grounds that loyalty to the state is the highest loyalty irrespective of the circumstances in which that loyalty is demanded. A pacifist is morally justified to defy the law of conscription. A miner can similarly resist the state if it attacks his trade union rights. A citizen who is persecuted for his religious convictions cannot be expected to acquiesce in that persecution on moral grounds. There are a number of circumstances in which loyalty to group ideal may be morally far superior to loyalty to state ideal. The state must prove the moral wholesomeness of its command before it expects the allegiance of its citizens to the purposes of that command.

The doctrine of plural allegiance is in essence Laski's protest against "a world in which the supporters of conventional morality are anxious at all costs to legislate against the diversities of which they disapprove" (125 : 9). He feels that diversity is the sign of a vital social order. The monistic ideal which suppresses this diversity creates morally depraved individuals. The doctrine of absolute allegiance to the state retards the moral aspirations and sentiments of its people. A worker who is imprisoned for participating in a strike, a Jew who is persecuted for his religious belief, a writer whose book is banned for containing dangerous thoughts, or the Quaker who is punished for his opposition to warfare cannot give their absolute allegiance to the state which treats them in that manner. This kind of monistic state is the antithesis of all morality (125 : 11-30).

Objections to the Theory of Plural Allegiance:

There is a logical difficulty in Laski's moral assumptions. The conception of conscience as the moral standard of judgment does not explain the fact that society also consists of people having essentially depraved consciences and these people may create chaos and anarchy if left free to follow their consciences. He does not suggest a demarcation line between vulgar opposition of a depraved conscience and the honest protest of a beneficial dissent.¹

Whatever the merits of the doctrine of plural allegiance as an ethical ideal, it is impracticable as a sociological formula. In practice it may result in inutual conflicts of loyalties sometimes leading to violent clashes between hostile groups. Thus it will perpetuate a system of doctrinaire anarchy.² Laski himself foresaw this objection to this argument when he wrote, "It is objected that this is a doctrine of anarchy. If men are to disobey because they disbelieve, there is, it is said, an end of social peace; and in a period of violence it is never justice that triumphs. To argue, therefore, that a man must act upon the dictates of his conscience, to insist that there are times when the law may be rightly disregarded, is to attack the foundations of public well-being. We must approach the state in fear and trembling. We must remember that its habits, its traditions, its purposes are born of the inherited wisdom of the past. Who are we, it is said, with what Burke called "our little stock of reason", to pit our judgment against the immense induction for which it stands" (125 : 21). This is the classic case against his theory of plural allegiance and the subjectivist standard of moral judgment.

The Conservative Argument Refuted:

This kind of argument has been the traditional line of defence of all conservatives in moral and political philosophy. "The argument", says Laski, "has the appearance of power; but, in fact, it is wholly void of substance. The present conditions are not just merely because they are the present conditions; they are just to the degree that justice is inherent in them. An American would not condemn Washington for 1776; few Frenchmen would doubt the justice of 1789; fewer Englishmen would deny the common sense of 1688. But Washington and all other revolutionaries have had, at some moment, to make the

1. C. H. Kung: "Political Pluralism—A study in Contemporary Political Theory", Chapter IX: 240-41.

2. Ibid, Chapter IX: 241-47.

decision to disobey; and the decision has involved the judgment that their view of the future must be pitted against that for which traditional authority has declared. Obviously enough, we must make our protest proportionate to the event. We need not march out with machine guns because the income-tax inspector has assessed us wrongly. But if the state to which we are reduced is that of the French peasant in 1789, or the Russian peasant in 1917, it is difficult to see why the wisdom of our ancestors should be dignified by the name of wisdom" (125 : 21-22).

Laski's Ethical Ideals more Radical:

It cannot be denied that the ethical ideals of Laski are more progressive and radical than those of the idealists. They are also valuable as instruments of social and political change although to a limited extent. But the grave defect of the pluralistic ideal of Laski's ethics is that it suffers from an undue subjectivistic bias. While emphasizing the subjective source of moral judgment, he ignores the importance of the objective content of that judgment. The conscience of a democrat resisting the fascist state and the conscience of a fascist revolting against the liberal state cannot be equally moral. There ought to be an objective moral criterion for the ethical evaluation of political attitudes.

19

NATIONALISM, IMPERIALISM, AND INTERNATIONALISM

DEFINITION OF TERMS—NATION AND NATIONALITY

WRITERS ON political science are not all agreed on the precise meaning of the terms 'nation', 'nationality', and 'Nationalism'. The word 'nation' is derived from the Latin word '*natio*' which means 'birth' or 'race'. This does not mean, however, that nationalism and racialism are identical conceptions. In the seventeenth century the term 'nation' was used to describe the population of a State in respect of its racial unity, and this meaning, says Bernard Joseph, has in a large measure persisted up to this day. During the French Revolution the term 'nation' came into great popularity and was used to mean 'patriotism'. 'Nationality was at this period a collective sentiment' (43 : 20).

Since the nineteenth century, however, the terms 'nation' and 'nationality' have assumed quite definite meanings. The term 'nation' conveys the ideal of political independence or sovereignty (either actually attained or desired); while 'nationality' is largely a non-political concept and can exist even under foreign domination. It is a psychological quality, although it is often used to convey an ethical and cultural conception as well. Interpreted in this manner, 'nation' and 'nationality' are not identical conceptions. A nation, meaning the population of a self-governing State, may very well include several nationalities. Thus, while Great Britain is a single nation, it consists of four distinct nationalities—the English, the Scots, the Welsh and the North Irish. As soon as a nationality acquires political unity and sovereign independence, it becomes a nation. According to Lord Bryce, 'The sentiment of nationality is that feeling or group of feelings which makes an aggregate of men conscious of ties, not being wholly either political or religious, which unite them in a community which is, either actually or potentially, a nation' (7 : 118). The term 'national group' is used to designate a commun-

ity in which nationality is still in the making and the 'will to live' as a nation is still lacking.

The terms which are confused most are 'nationality' and 'nationalism.' 'Nationalism' is at times used to describe an exaggerated sentiment of nationality bordering on aggressiveness. This perverted sentiment which sees nothing but good in one's own nation and its deeds is not true nationalism. Rightly understood, nationalism stands for the historical process by which nationalities are transformed into political units and for the legitimate right of a people who form a distinct and vigorous nation or nationality to a place in the sun.

The Meaning of Nationality. A. E. Zimmerman writes: 'Nationality, like religion, is subjective; psychological; a condition of mind; a spiritual possession; a way of feeling; thinking and living.' According to the same author, nationality is not a political but an educational conception. Broadly speaking, if a people feels itself to be a nationality, it is a nationality. Nationality is only accidentally a political question, but primarily it is a spiritual and educational question. According to Ernest Renan, a nation is a soul, a spiritual principle. "To have suffered, rejoiced, and hoped together" makes a people a nation.

Bringing out the difference between a 'national state' and 'nationality', C. J. H. Hayes writes: 'A national state is always based on nationality, but a nationality may exist without a national state. A state is essentially political, nationality is primarily cultural and only incidentally political' (23 : 5).

Factors of Nationality. Writers on political science have discussed at great length the factors which constitute nationality. But they are all agreed that none of the factors which they discuss is absolutely essential, although without some of them at least, no nationality can truly exist. There is no universal law which can be laid down regarding the relative importance of these various factors. In the Western world, religion has long since ceased to be a factor of nationality. But in the East, particularly in India, it is still a force to be reckoned with. Where certain factors of nationality are weak in a given country, it is necessary to strengthen other factors if nationality is to survive at all.

(i) *Geographical Unity.* There can be no doubt that a naturally defined territory or geographical unity, often described by the name 'homeland', is a powerful tie in the formation and continuance of nationality. Several exceptions to this statement may, however, be

found. For ages the Jews had no national home of their own. Yet the hope that some day Palestine would be restored to them kept alive and gave strength to the Jewish nationality. The boundary between Germany and France is artificial; and yet in both these countries there are very strong nationalities.

Where there is no national home or no hope of securing one, it is difficult to acquire or develop the spirit of nationality. The gypsies have never had a settled abode, accustomed as they are to wandering from place to place. The Romans of old, in exchanging their homeland for a world empire lost their nationality.

Naturally marked geographical boundaries are an immense aid to nationality owing to various reasons. In the first place geography and climate have a definite bearing upon the character and physique of a people. They tend to create common physical, mental, and psychological traits, thereby aiding co-operation and mutual understanding among people.

In the second place, human sympathies are limited, and at the present stage of man's development a national home seems to be the most suitable geographical unit for the drawing out of the altruistic feelings and emotions of man. There was a time when such feelings and emotions were confined to one's village or tribe. But in all progressive countries these narrow loyalties have given place to a national loyalty.

A third reason for stressing a naturally defined territory as an important factor of nationality is that human beings share with animals a love of their habitat. There is an instinctive attachment on the part of every human being to the land of his birth. The love of one's country is intensified during exile.

So far as India is concerned, it was a distinct geographical entity, marked off from the rest of the world until the partition in 1947. 'Country' is the most suitable geographical unit for the calling out of the highest patriotic feelings. If India is to survive in the modern world, it is necessary that we should at once replace village politics, caste politics and tribal politics by national politics.

Mr. Ruthnaswamy rightly argues that if the people of India have their rights, so has the land of India. It 'has its own rights and liberties, its own interest and importance'. India is our national home, a sacred land; and it is the duty of every son of India to 'project his country so that the people will become zealous of the country, of her freedom and progress. The figure of India, its form,

beauty, river, sand, hills, its flora and fauna must be made known to every man, woman and child in India. Tourist and travel agencies must organize tours of common folk to all parts of the country.

(ii) *Identity of Racial Type or Racial Unity.* Racial integrity is put forward by some writers as a helpful factor in the formation and strengthening of nationality. Zimmermann gives it a high place but Bryce regards it as merely one of the factors in creating the sentiment of nationality. Mazzini, on the other hand, holds that race is not essential to nationality. Renan is of opinion that 'race is something which makes and unmakes itself and has no application to politics'. J. H. Rose claims that only in a very crude form does nationality depend on race. 'Purity', says Hayes, 'if it exists at all, exists nowadays only among uncivilized tribesmen'. Pillsbury writes, 'In the determination of national lines, in general, race is no more important. There is no pure race in any nation. Man is everywhere a mongrel.' Even Mussolini once said : 'Race is a feeling, not a reality. Nothing will ever make me believe that biologically pure races can be shown to exist today.'

The weight of academic opinion thus seems to be on the side of those who give a relatively low place to race. Modern Switzerland and Canada are frequently quoted as examples of people of different racial origins living together and forming a strong nationality. For several generations the United States has been 'the melting-pot of nations'. For ourselves, we believe that racial unity is a powerful tie of nationality, but it is not indispensable to it. It is a more important factor in the earlier stages of nationality than in the later. In the United States there is a great diversity of racial stock, but at the same time there is a dominant racial group, descended from the 'Old Immigrants', which is able to give a tone to the national life of the country.

When we are dealing with unity of race as a factor aiding nationality, it is well to remember that racism in the modern world is an enemy of mankind. Apropos of this, E. M. Burns writes, "From the ancient Hebrews to the descendants of the Boers in South Africa exponents of the doctrine of master race have sought to bolster their rights to conquer and rule by claiming for themselves inherent superiority over their victims" (90 : 487). The French aristocrat, de Gobineau (1816-1882) stood for the superiority of the so-called Aryan race, including the Greeks, Romans, Persians and Teutons. H. S. Chamberlain (1855-1927), an Englishman who lived in Germany,

picked up the idea of race supremacy from Gobineau and applied it to the Teutons. He excluded the Persians and Indians from his purview of Aryans. It was his ideas that largely contributed to the growth of Nazi fascism.

(iii) *Unity of Ideas and Ideals or a Common Culture.* If nationality is primarily a cultural conception, unity of ideas and ideals is indeed an important element in it. Unity of culture includes common customs and manners, common traditions and literature, common folklore, epics, and art. It also stands for 'a certain dominant view of life with its common standards, duties and prohibitions'. Unity of ideas and ideals draws people close together and creates in them an *esprit de corps* which cannot easily be destroyed.

National literature, education, culture and art may be both the cause and effect of nationality. While national literature does not, by itself, create nationality, it can strengthen the sentiment of nationality. In recent times, national literature has played a notable part in the rejuvenation of Bohemian and Serbian nationalities. 'National literature makes a large contribution to the development of nationality by striving to create and maintain national traditions and by endearing the national history to the nationality. It is the vehicle of national traditions' (43 : 114).

National education can play an important part in creating a similarity of outlook on life and in setting up the same or similar standards. The teaching of citizenship in the form of 'Americanization' has gone a long way in moulding the diverse racial and cultural groups of the United States into a single powerful nationality. When mishandled, as in the case of Nazi Germany, national education can easily lead to national bigotry and prejudice. National education, if rightly used, 'serves the necessary purpose of creating a moral unity, a common understanding of right and wrong, a community of ideas in most matters and social intercourse amongst all the members of a nationality' (43 : 118).

National history and tradition also become vital factors in the creation of national culture. Ramsay Muir says : 'Heroic achievements, agonies heroically endured, these are the sublime food by which the spirit of nationhood is nourished.' A legitimate pride in the past, a wholesome confidence in the present, a buoyant hope for the future, all strengthen and sustain the national spirit.

If Indian nationality is to become a plant of vigorous growth, stress should be laid on the unity of ideas and ideals which underlies

Indian culture. Both Hindu and Muslim cultures have influenced each other so much so that Indian or Pakistani Islam today is not the Islam of Arabia or of other Muslim countries nearby. Therefore, our cultural differences need not be exaggerated ; and if only proper understanding between the two major communities can be secured many of these differences will sink to the background. A national system of education is the supreme need of the hour. There is an urgent need for the rewriting of our history, omitting all exaggerated references to bloody wars and persecutions in the relations between the two communities. In this connection it may be noted that the Catholics and Protestants in some of the European countries have fought more bloody battles than the Hindus and Muslims have in India, but have settled down peacefully now.

(iv) *Unity of Language.* The most obvious element of nationality is language. Ramsay Muir believes that language counts for more than race in the moulding of a nation. Common language means also a common literature, a common inspiration of great ideas, and a 'common heritage of songs and folk-tales'. Rose considers common language to be the most powerful political influence. Joseph holds that a common language enables people to express the same ideas and same sentiments, creates common standards as regards morals, manners and justice, preserves common historical traditions, and creates a common national psychology. In modern times, the Polish people, more than others, have demonstrated the value of a common language in keeping alive the national spirit. When there is a determination on the part of a people to keep together culturally and socially, unity of language is of great value. In spite of the manifold advantages of a common language, it is obvious that several nationalities do not possess a common language. Thus the people of Switzerland speak at least three distinct languages. If other factors of nationality are strong, it is possible to dispense with a common language. The German-speaking population of Alsace is attached more to France than to Germany. Likewise, in spite of the fact that the Americans and Canadians speak the same language and live next door to each other, there is no disposition on their part to fuse into a single nationality.

So far as India is concerned, diversity of language has been a hindrance to national unity. The designation of Hindi as the official language will, in time, rectify this situation. The trend should be in the direction of developing one mother-tongue, using it in the schools

and on the streets, utilizing it in the dissemination of culture, and making it a fine-tempered instrument not only for traditional and modern literature and the arts, but for current technical and scientific thought. This does not mean, however, the obliteration of one's mother-tongue, when it is different from Hindi which is the case as regards Telugu, Tamil, etc. The English language became the *lingua franca* of a portion of the population under British rule but in the nature of the case, it could not become the language of the people. However, students in higher education will still profit by gaining a sound working knowledge of this language, stressing not so much on English literature, as recent scientific discoveries and social and economic facts.

The indications are that the regional languages will come to prevail as the medium of instruction right up to the University, but that English will continue as an associate official language for some years to come. For cementing provincial differences and for the purpose of providing a window on the outside world it is desirable that the well-educated Indians should continue to write and speak English fluently. At present English serves as a useful link language between the different parts of the country. It will be a bad day for India when English is relegated to an insignificant place in the life of the country. The present emphasis on regional languages as the medium of instruction is likely to place a severe strain on Indian unity.

(v) *Unity of Religion.* The history of nationalities shows clearly that religion played an important part in the early stages. Early communal life centred in religious customs and practices. Among the Jews, for instance, religion has been the mainspring of their national life. It has been the warp and woof of their common life. A similar statement can be made of the Japanese, the Poles, and the Irish of today. During centuries of oppression, it was the Greek Catholic Church which enabled the Greeks to persist as a people.

Common religion is no longer a factor of much consequence, although in a few exceptional cases it is still the basis of nationality on account of peculiar historical antecedents. 'Most modern nationalities', says Hayes, 'manage to flourish without insisting upon uniformity of religious belief or practice'. Most States today practise religious tolerance, and diversity of faith does not interfere with their national life. In all progressive countries religion is becoming more and more an individual affair. In the United States it has hardly

entered into the national life of the people at all. In 1960 Kennedy who was a Catholic was elected President, in spite of the fact that a good majority of the people are Protestants. In India, on the other hand, religious differences are grossly exaggerated so as to benefit interested parties. It is not widely recognized that religious fanaticism and bigotry can never make a people great. 'Religion in danger' is a meaningless cry. It is time that the educated people of India realized that what is required in the interest of national unity is genuine religious tolerance born of sympathy and understanding, and not a flabby kind of indifference which consists in being all things to all men. The educated people at least should cultivate a profound respect for each other's religious beliefs and susceptibilities. Politics should be secularized.

(vi) *Common Economic Interest* has been one of the strongest factors in the maintenance of the Japanese and Australian nationalities. The economic motive, among other factors, undoubtedly welds a people together and creates in them 'a consciousness of kind'. Behind 'the White Australian policy' which was strenuously advocated even in the midst of war by Australian politicians, there is the fear, real or imaginary, that Australia will be flooded by Mongolians and Indians who might imperil the economic life of the Australians if the immigration bars are removed or lowered.

However important common economic interests may be in the holding of a people together, we do not believe that such interests alone are capable of creating the sentiments of nationality. The European Common Market of our day is not likely to transform the people of Western Europe into a single nationality. During times of war one finds that the spirit of nationality cuts across economic distinctions and unites people with different economic interests.

(vii) *Common Subjection* to a firm and systematic government has at times proved to be a powerful factor of nationality. The strong rule of Britain has to a certain extent precipitated Indian nationalism. In a similar way unquestioning obedience to a single ruler has at other places fostered the national spirit, though of a morbid kind, as in the case of Germany under Hitler and Italy under Mussolini. However important a part a strong government may play in reference to nationality, it cannot by itself produce nationality. Ramsay Muir rightly observes: 'Mere unity of government, however admirably welded, will never of itself produce nationhood'.

(viii) *Common Suffering* has at times been a powerful stimulus to

nationality. History furnishes several examples of nationality being intensified under persecution. 'In Europe', says Zimmern, 'Nationality is an instinct which has been stung into morbid and acute self-consciousness by political oppression' (84:74). After the Franco-Prussian war of 1870, the national spirit in France became acute. The Moorish oppression and Napoleonic wars roused the sentiment of nationality among the Spaniards. The partition of Poland quickened the national spirit and preserved it under the most adverse conditions. Irish nationalism developed into an exaggerated and even undesirable form under English oppression. In spite of these illustrations, as Joseph notes, 'oppression of a group does not itself transform it into a nationality'. It may split the people into several selfish communities, each trying to win the favour of the oppressor, as was frequently the case in Indian history.

(ix) *Political Sovereignty*. It is sometimes argued that it is the State which creates nationality, and not *vice versa*. This is a position which it is difficult to uphold. Despite the fact that Great Britain is under a single political sovereignty, it comprises four distinct nationalities. A general remark which we may venture to make at this point is that while nationalities have existed even before modern States assumed a permanent form, political sovereignty has contributed to the strengthening of growing nationalities. Leaving aside such exceptional cases as Switzerland where perhaps a common political sovereignty has given birth to nationality, the most that political sovereignty can do is to fortify existing national consciousness by means of common laws and political institutions. It cannot produce nationality as we have defined it.

(x) *Popular Will*. We cannot easily pass over the importance of the will to co-operate and the 'will to be a nation' on which Dr. Ambedkar places so much emphasis in relation to Indian nationalism. To quote his own words: 'It is a feeling of corporate sentiment, of oneness which makes those who are charged with it feel that they are kith and kin'. Toynbee regards 'the will to be nation' as the principal element of nationality. Likewise, Mazzini regards popular will as the basis of nationality.

Renan who is instructive on the whole question of nationality rejects the view that the essence of the nation lies in the unity of race, language, religion, community of interest, or geographical unity. He holds that the nation is "a spiritual principle" and that it is based primarily on (a) a rich "heritage of memories" and (b) a keen "desire

to live together". People are a nation because they want to be a nation.

The Self-determination of Nationality. A question which interests both the student of political theory and the practical politician is whether every nationality has an intrinsic right to be a self-governing, sovereign state. Since the days of the Congress of Vienna (1815) all through the nineteenth century the principle which dominated European politics was 'one nationality, one state'. This principle received further stimulus during World War I (1914-1918) when the idea of 'the self-determination of nations' came to the forefront. The contention has been that to group together people of different nationalities into a single State will lead to a lack of patriotic feeling and internal dissensions. It is further contended that a nationality spread over several States can never be happy and contented and that such a nationality is like a dismembered social organism. All these contentions are seriously questioned today. It is admitted by many that, other things being equal, political boundaries should be drawn where national lines are drawn. Thus J. S. Mill in his *Representative Government* writes : 'It is in general a necessary condition of free institutions that the boundaries of government should coincide with those of nationality'.

Lord Acton and several others take the opposite view. According to Acton, 'the theory of nationality (i. e. one nation, one State) is more absurd and more criminal than the theory of socialism'. He foresaw how the identification of the State with nationality might lead to political absolutism. In his view, the multi-national state is "one of the chief instruments of civilization" (99: 636). Zimmern writes, 'In the long run the theory of a national state will go the way of Henry VIII's and Luther's theory of a national church'. Bernard Joseph holds that 'one nationality one State' is a dangerous principle and constitutes a chief obstacle to world progress. He argues that 'nationality' and 'State' are different conceptions and that a nationality can continue to exist even after the State has been destroyed. Either a single State includes more than one nationality, or a single nationality is spread over several States. National and State loyalty are two different things and, according to Joseph, they can exist side by side with each other, for all that nationality requires is freedom for cultural and social life and a certain measure of group autonomy, particularly in communal matters. He believes that 'the only hope of order and peace in world affairs is to be

sought in the ultimate recognition of the principle that several nationalities may live together in harmony and co-operation within a state, each at the same time following its own national life' (43 : 331).

Is Nationalism a Blessing? Many thinkers have idealized and idolized nationalism and see nothing but virtue in it. Others find that, in practice, it has led to many evils and they are convinced that, as it is practised today, it is the greatest enemy to international peace and good will. Rabindranath Tagore, in his essay on 'Nationalism', has no hesitation in condemning it. He calls it the 'organized self-interest of a whole people'; 'self-idolatry'; 'the organization of politics and commerce for selfish ends'; an organized power for exploitation. Nationalism so embitters relations between countries that a systematic study of one another's culture and civilization becomes almost impossible. Hayes condemns that form of nationalism which is 'a proud and boastful habit of mind about one's own nation accompanied by a supercilious or hostile attitude towards other nations'. He finds that nationalism in the nineteenth and twentieth centuries has been unable to give a creditable account of itself. In the words of Shillito, it has become 'man's other religion'. It is 'sentimental, emotional and inspirational'. It has more devout followers than almost any living religion. It claims to have a mission for the rest of the world. In the name of national rights, national honour, and national policy millions of lives and billions of treasure have been wasted in recent times. Nationalism easily leads to hatred of the foreigner, and this aggressive kind of nationalism which is aptly described as 'wolf-pack' nationalism is the breeder of war and easily shades off into imperialism of the worst kind. Striking illustrations of this 'wolf-pack' nationalism were to be found in militarist Japan, Fascist Italy and Nazi Germany.

Writing on how nationalism which was a power for good in its early days, has become degenerated, Ebenstein writes : "Since the French Revolution at least, nationalism has been one of the driving forces of domestic, imperial, and international politics. Complex in its origins, it has developed along many, and often contradictory, lines. In its name some of the greatest acts of heroism and liberty have been committed, but also crimes of cruelty and fanaticism. In the first half of its existence—from the late eighteenth to the middle of the nineteenth century—nationalism was essentially inspired by humanitarian, democratic ideas; this was the story of early French,

American, Czech, Italian, Irish, and Polish nationalism. In the last eighty years, on the other hand, nationalism has tended to ally itself with parochialism, intolerance, bigotry, persecution of minorities, racialism, and finally imperialism and aggression —the recoil of Pan-Germanism, Hungarian imperialism, Japanese militarism, and finally Fascism" (99 : 635).

We cannot grasp the full meaning of nationalism unless we interpret it in the cultural, economic, and political fields. While nationalism in the cultural field has been on the whole a unifying factor, in the economic and political fields it has been a divisive factor. In its extreme form, economic nationalism known as 'Autarchy' aims at complete economic self-sufficiency. Beyond a certain point economic nationalism is a fruitful cause of war. It is like a boomerang, bringing infinite harm upon its own head. Autarchy is a folly. Past years have witnessed the spectacle of wheat being burned in Canada, apples and milk being dumped into rivers in the United States and coffee being thrown into the sea in Brazil while millions were starving.

From the kind of aggressive nationalism described earlier we have to distinguish a redemptive kind of nationalism whose motto is 'Live and help others to live'.

So far as India is concerned, nationalism is not luxury but a necessity. It is the very basis of our existence, a matter of life and death to us. While it is utter folly to place all our misfortunes at the door of the foreigner, there can be no doubt that foreign domination over a long period of time produces certain slave vices for which self-determination has been the only genuine remedy. Political nationalism alone can cure such vices as fear, cowardice and dissimulation.

Now that India has attained her political freedom, she must give more attention to cultural and humanitarian nationalism. 'Above all nations stands the ideal of Humanity as a goal and guiding principle' (Hallowell). Because of her economic backwardness, India is bound to favour her own industries for years to come. But the goal must be a well-thought-out national planning which is an integral part of world planning.

Only such a nationalism can become a road to internationalism. 'An ideal international world means a world of nations living at their best' (43 : 338). The future well-being of the world requires the education not only of our minds but also of our wills and emotions

in internationalism. 'It must be an education, which aims to surmount exclusiveness and to inculcate mutual understanding and co-operation, an education which seeks to overcome docility, to foster the critical spirit and to encourage independence of judgment' (32 : 272). Exclusive nationalism and the doctrine of racial superiority are some of the curses of the modern world.

Despite the disparaging views of nationalism held by men like Lord Acton and Tagore, we believe that nationalism still has its value, if it does not take an aggressive and militaristic turn. We cannot go as far as Theodore Roosevelt when he says that loving other nations as much as one loves one's own nation is like loving other woman as much as loving one's own wife. Nor can we endorse the chauvinistic nationalism of Rudyard Kipling or J. A. Cramb, the latter of whom practically equates the nation with God.

IMPERIALISM

The Meaning of Imperialism. According to Ebenstein, imperialism is a chief distortion of nationalism. Writes he : "Love of oneself becomes hatred of others, and enslavement of others is clothed in such masks as 'the white man's burden', or the need for 'living space'. Even highly democratic nations have at one time or another fallen victims to the disease of imperialism". (101 : 637).

To some imperialism is a synonym for the economic exploitation and political domination of weaker races and for gross materialism. To others it is a sacred duty which must not be shirked by the advanced countries of the world in their relation to backward countries. Both of these views are extremes. A well-planned and carefully worked out programme of the ruthless exploitation of backward regions is as foreign to the general history of imperialism as a conscious civilizing mission typified in the much abused phrase 'the white man's burden'.

In the very nature of the case, it is difficult to give a definition of imperialism which will fit both ancient and modern empires. Even in modern times imperialism has assumed various forms. There is no *a priori* way of deciding whether 'trade follows the flag' or 'flag follows the trade'. Some empires have been almost accidental in origin, while others are the result of deliberate planning. Earlier empires were largely 'tax-collecting and recruit-raising' agencies. They were an expression of the superior military strength of the

conqueror over the conquered. Modern empires are largely for economic and strategic purposes.

C. D. Burns claims that imperialism is a name given to a 'single system of law and government in many different lands and races', a half-way house to internationalism, and an antidote to provincial nationalism. The latter part of the definition is certainly not accurate. 'Imperialism', says Prof. Schuman, 'is the imposition by force and violence of alien rule upon subject people, despite all moralizing and pretensions to the contrary'.

With modern Western imperialism in mind, Parker 'F. Moon, a well-known authority on the subject, defines imperialism as "the domination of non-European native races by totally dissimilar European nations" (154 : 181). Schumpeter defines imperialism as an "atomistic force, ancient in inception, decadent and self-conscious in an age of nationalism, yet still powerful enough to lord it over its rival, the upstart capitalism".

A good working definition of imperialism as found in the Encyclopaedia of Social Sciences is that it is 'a policy which aims at creating, organizing and maintaining an empire : that it is a state of vast size composed of various more or less distinct national units and subject to a single, centralized will'.

In studying modern imperialism, we find that colonization is not as important a factor as the economic and political control of the backward regions of the world. Hence attention is directed more and more to trade, investment of surplus capital, and political control. In other words, exploitation colonies are valued more than settlement colonies.

Causes of Imperialism. Imperialism has come about as a result of various factors. In its earlier and more primitive forms, parallels to which are not lacking even today, it was a manifestation of the predatory instinct of man. In the movement of races from one part of the world to another in search of pasture, food, and the like, and the conquest of one tribe by another, we find ample evidence of the predatory character of man's nature in one form or another. Sometimes it takes the form of ruthless aggression and bloody warfare, sometimes of gradual displacement by superior skill and intelligence.

When we turn from the earlier types of empire to the later ones, we find that thirst for conquest and the competitive struggle for power have played a notable part in their development. It was the boast of Cecil Rhodes that he thought in terms of continents. Colonial

possession and military success are often taken to mean national strength and glory. Prof. Schuman believes that modern imperialism is a new expression of the will to power and the drive for conquest. This ideal was forcibly expressed by Mussolini in 1932 when he said: 'The Fascist State is a will to power and an empire. The Roman tradition is the idea of force. In the Fascist doctrine, the imperial idea is not only a territorial, military, and mercantile expression but also one of spiritual and moral expansion. For Fascism, the tendency to the imperial idea means expansion of the nation and is a manifestation of vitality'. Imperialism means expansion. It is interlocked with nationalism.

Colonial possessions are also desired as an outlet for surplus population. This was the constant plea of Japan till 1941, when other motives such as domination, too, entered into her calculation. Italy, also, claimed for years that her 'narrow but adorable peninsula' was unable to house her teeming millions and that, therefore, she had to look out for fresh colonies. The surprising fact with regard to the argument that imperialism is a remedy for over-population is that it has not so worked in practice.

One of the most fundamental causes of imperialism today seems to be economic. The imperialist nations of the world at present are for the most part highly industrialized countries depending upon backward countries for raw materials. 'The fight for raw materials,' says Dr. Schacht, 'plays the most important part in world politics, an even greater role than before the war (1914)'. Statistics, however, show that no imperial country, with the possible exception of Great Britain, can solely depend upon its colonial possessions for the supply of a major portion of her raw materials. Parker Moon contends that there is no truth in the common notion that an imperial country receives most of the raw materials which its colonies produce. He writes: 'Raw materials, in general, are colour blind. They recognize no national flag. They follow the law of supply and demand, and of distance and transportation costs. They obey economic rather than political control'. Great Britain has joined the European Common Market, even if it means the snapping of the ties that bind her to the Commonwealth.

Colonies are valued even more as markets for finished products than as producers of raw materials. 'The Empire,' says Joseph Chamberlain, 'is commerce'. Preferential tariffs and commercial discrimination are often resorted to in order to favour the finished goods of

the mother country. But these devices have not been a complete success. According to Andrew Carnegie, trade does not follow the flag, but the lowest current price. R.L. Buell estimates that only one-fifth of the world trade is with countries which come under imperial sway. The remaining four-fifths is with independent States. Nevertheless, 'imperialism affords an additional margin of marketing facilities for an industrial nation's goods' (63 : 351). The most important point to note is that those who benefit by imperialism are not the masses, in general, but a few industries such as cotton, iron, steel and oil. The explosive situation in Iran a few years ago is an interesting study, involving imperialism, socialism, the struggle of an impoverished nation for true State sovereignty and for the fruit of its own resources—oil.

An empire is valued not only as an outlet for surplus goods, but also for surplus capital. The United States is able to exert a powerful influence over the economic and even political conditions of Central and South America, as well as of other parts of the world, by means of her vast investments. This kind of diplomacy, known as 'dollar diplomacy', is almost as effective as a foreign army of occupation. If 'money talks', the American dollar shouts. Government agencies and diplomatic channels are used to persuade, if not coerce, backward countries to borrow money from advanced countries.

Capital may be lent not only by imperialist countries but also by their individual citizens and private companies. This tendency is particularly marked where labour is cheap and abundant and is not able to defend itself. One of the arguments often used in defence of this form of imperialism is that if a country is unable to exploit its own natural resources to the full, some advanced country has an intrinsic right to do so on the ground that the world's resources belong to those who can best use them. But this argument is never conceded by the stronger nations to the weaker. If it were allowed, large tracts of land lying uncultivated in Canada, Australia, and parts of Africa would, of right, belong to the teeming, industrious and frugal millions of Japan, China, and India. But it is too much to expect imperialists to apply to themselves the arguments which they apply to others in the process of exploitation.

Imperialism offers advantages of various kinds to a select few. It provides ample opportunities for the investment of foreign capital and for the utilization of the services of foreign pro-consuls and diplomats, foreign civil servants, and foreign army at a prohibitive cost to the

people of the dependent country. It is very well for Mr. Amery, a former Secretary of State for India, to have said with righteous indignation that India paid no tribute to Britain; but he conveniently forgot the statement of the semi-official Institute of International Affairs that one Englishman out of every four lived by India directly. In a country under foreign domination the civil and defence services are invariably hampered, and foreign merchants, traders, planters, and joint-stock companies constitute a solid wall of opposition to every attempt in the direction of self-government.¹ Others who benefit by imperialism and constitute vested interests are ship-owners and manufacturers of arms and armaments, of military and railway uniforms, and of railway, cable, and telegraph materials.

A further important cause of imperialism in modern times is diplomatic. Imperialism breeds imperialism. The vital interests of Britain in the Suez Canal, her indirect control over Egypt, her efforts to establish some form of authority and friendly relations in West Asia, and her partial occupation of Iran, until a few years ago, are all to be explained in relation to her former control over India.² The British naval base at Singapore was a forcible reminder to Japan that she could not with impunity set foot in Australia or other parts of the British Empire in the Orient. For the same kind of military and naval reasons, France for a while controlled Djibuti. She valued her African possessions as troop reservoirs. Annexation in most cases has for one of its objects the increase of military strength.

Religious and humanitarian considerations are sometimes adduced in favour of imperialism. In the seventeenth century the missionary motive was an important factor of imperialism. The name of David Livingstone in Africa is the most outstanding name in the history of missionary empire builders. The London Missionary Society was closely linked up with the spread of British imperialism in Africa. Even Calvin Coolidge, a former President of the United States, said,

1. Witness what happened in Algeria where for more than a decade the French settlers known as the 'Colons' put up a stiff resistance to every attempt at self-government for the people of the country as a whole. The virtual civil war with the mother country ended in 1962 when Algeria got its independence.

2. The situation has changed today. Egypt is completely free and has the Suez Canal under her control. Iran is free to govern herself and exploit her oil resources under an international consortium. To make up for all this loss Britain concluded the Baghdad Pact including herself, Turkey, Iraq, Iran and Pakistan. In 1958 Iraq dropped out of the Pact, now known as the Middle East Defence Organization.

'The legions which (America) sends forth are armed not with the sword but with the cross'. General MacArthur advocated a similar policy with regard to Japan after her military defeat in 1945. Imperialism today is generally indifferent to converting the peoples of backward countries to Christianity. At times they even oppose the work of missionaries, for it might give the subject people a new dignity and new freedom. Where Christian missions were the open or secret allies of imperialists, as in the past, they received a warm welcome, from empire-builders. There have been many instances where the missionary was the fore-runner of the trader and the ruler.

A particular form of humanitarian motive is expressed in the hackneyed phrase, 'the white man's burden'. It also goes by the name of 'Imperialism of Responsibility'. It carries with it a subtle suggestion of racial superiority and prestige. At its best it seeks to supplant ignorance by enlightenment, crude forms of government by settled and progressive forms of it, and primitive ideas of justice by modern ideas of it. It aims at abolishing cannibalism, slavery, serfdom, and usury. Whatever the case may be today, humanitarianism was certainly not the original cause of imperialism, but is only an afterthought. Increasing emphasis is placed on this aspect of imperialism today, although much of it is only lip service. Those who speak of it with great enthusiasm conveniently forget that if 'the white man's burden' is a plausible theory, 'the black man's burden' is a solemn reality for which he has had to pay in hard cash, in the destruction of the power of self-help, and in the loss of dignity and national self-respect.

Despite humanitarian professions, the amount of money spent on the public education, sanitation, and the general improvement of the people is notoriously small. According to Julian Huxley, African infant mortality ranges from 1 in four to 1 in two; probably every adult Negro is infested with one or more kinds of worms, usually including hookworm, and often with malaria as well; in some areas up to 90 per cent of the population suffers from venereal disease, a disease imported by the white man; gross malnutrition as well as vitamin deficiency is frequent. Over most of Africa not one per cent of the children ever attend school. In the light of all this, one is inclined to agree with Schuman's observation: 'It is no more the "purpose" of

1. The current American equivalent of it is "the moral leadership of the world".

imperialism to confer benefits upon its victims than to confer benefits upon the home country' (70: 426).

Until World War II prestige played an important role in the annexation of other people's land. Since the scramble for Africa began in the last quarter of the nineteenth century, possession of colonies became a hallmark of respectability in the international world. Thus Italy held on to Libya, although it meant no material gain to her. Until a few years ago, as a recent writer points out, the bosom of the average Englishman swelled with pride at the thought that he was a part-owner of a mighty British empire even though he did not possess even six feet of ground in which he could be buried when he died. Apropos of this, Hans Kohn quoted by Palmer and Perkins, (*op. cit.* p. 188) writes: "Besides the economic urge, psychological motives played a great role in imperialism—the lust for adventure and for power, the added prestige and glory which seemed to accrue from a vast colonial empire not only to the governing classes but even to the masses of the colonizing nations, the new sentiment of pride and superiority which animated even the lowest members of the white races in their dealings with the 'backward' races".

According to Lenin, capitalism is the sole cause of imperialism. In his own words: "If it were necessary to give the briefest possible definition of imperialism, we should have to say that imperialism is the monopoly stage of capitalism".

The desire to transplant to new countries one's own culture and civilization has played an important part in the history of imperialism. It is an expression of parent-offspring relationship.

The United States, especially since World War II, has indirectly pursued an imperialist policy. Her main object is the securing of strategic naval and aerial bases and allies all over the world in her effort to contain communism, of which she is mortally afraid. American imperialism may be described as imperialism by proxy or a "hitch-hike" imperialism, as was the case in Indo-China. If it were not for the material support given to the Netherlands government, Indonesia would have attained her freedom sooner than she did. In recent years the United States has entered into a military alliance with Western Europe known as the NATO and has forged military links with Japan, the Philippines, Australia, New Zealand and Pakistan. Several countries in Europe and Asia such as the Philippines, South Viet Nam, Thailand, and Pakistan have been brought within the sphere of her influence primarily through military aid and

secondarily through economic assistance. The lend-lease agreement has been an important item in this form of control. Moreover, the United Nations is so manipulated as to carry forward American foreign policy, England having become the latest 'colonial possession' of the United States.

American people still have a holy horror of imperialism. They still remember what happened to American colonies in the days of George III. But they do not realize that in the present contest for world power, they might indirectly be a party to the crushing of nationalist aspirations particularly in Asia and Africa and to the setting themselves up as the sole judge of what is good for other people. The current American policy of arming Pakistan and training Pakistani military personnel has brought the cold war to the doorsteps of India.

Modern Imperialism. Imperialism in the twentieth century assumes more indirect forms than in earlier times. Reliance is placed more on diplomacy and international agreement than on the sword, though downright conquest and annexation are not altogether foreign to the spirit of the age. As one writer puts it, the stakes today are commerce, industry, railroads, ports, strategic bases, raw materials, and markets for goods and for capital.

The indirect forms of imperialism which prevail in many parts of the world are:

(1) *Leasehold.* For commercial or for strategic reasons, weak or backward countries are persuaded or compelled to part with the jurisdiction of portions of their territory for a certain number of years, usually 99 years. Nominal sovereignty still rests with the country granting the lease, but actual jurisdiction is with the lessee. For all practical purposes 'a leasehold is a colony until the lease expires' (8:443). Examples of leasehold are the Manchurian ports given by China to Russia in 1898 for a period of 25 years, Port Arthur and Dairen in China formerly held by Japan, and Wei-hai-wai held by Great Britain. The United States possesses lease of the Panama Canal which extends to five miles on either side of the Canal. By virtue of this lease, the United States has practically established a semi-protectorate over the Republic of Panama.

(2) *Protectorates and Semi-protectorates.* These may be of various kinds. In all protectorates foreign relations and defence are controlled by an imperialist power, and in many cases control is exercised even over financial affairs and other matters of internal administra-

tion. In the British Empire a protectorate is virtually the same as a Crown Colony, although from the point of view of international law these two are different. In the case of protectorates, old treaties with foreign powers continue, but not so in the case of a colony. Protectorates generally end in annexation or independence.

The best example of a protectorate in recent times was Egypt. Though the 'independence of Egypt was declared on February 28, 1922, it was so hedged and qualified that up to the Anglo-Egyptian Treaty of Alliance of 1936 Egypt was to all intents and purposes a disguised protectorate'. According to the 1922 declaration, four points were absolutely reserved; the security of the communications of the British Empire in Egypt; the defence of Egypt against all foreign aggression or interference, direct or indirect; the protection of foreign interests in Egypt and the protection of minorities; and the Sudan. Some writers preferred to regard Egypt as a semi-protectorate. Today she is completely free.

Examples of semi-protectorates have been Cuba and Haiti, which could make certain treaties in their own name but the foreign power could act as a check. Another type of protectorate is the international protectorate, an example of which was Abyssinia some years ago. According to the 1906 Convention between Great Britain, France, and Italy, these three powers agreed to protect the integrity of Abyssinia and not to compete with each other for concessions. But this convention proved to be a mere scrap of paper.

(3) *Spheres of Influence*. A sphere of influence means that the State holding the territory is given 'preferential or exclusive rights to make loans, construct railways, operate mines, or develop public works' (8: 417). Spheres of influence are generally the thin end of the wedge, ultimately resulting in protectorates or outright annexation, although they are neither colonies nor dependencies. These are sometimes carved out even without the consent of the backward countries in question. 'This form of control', says Buell, 'has probably led to more disputes than it has settled' (8: 448). In Asia, Africa, and the Pacific, spheres of influence have been a convenient instrument of Imperialism in recent times. England and France held spheres of influence in Siam.

A distinction is sometimes made between a 'sphere of influence' and a 'sphere of interest'. The latter is strictly economic, while the former may imply certain vague political privileges, short of a protectorate. Spheres of influence have been more common in Africa than in Asia.

(4) *Condominium* or joint government means control by two or more powers over a disputed territory in order to prevent colonial rivalry. Such control was exercised by Great Britain and Egypt over the waters of the Nile in the Sudan; by France, Spain and Britain over the city of Tangier in Morocco; and by France and England over the New Hebrides. This form of jurisdiction satisfies neither the foreign powers nor the native people over whom the control is exercised. International control of this type is almost always unsatisfactory and is usually unsuccessful in the long run. It means divided responsibility. This is the reason why no serious attention was ever paid to the suggestion that Kashmir might become a condominium of India and Pakistan.

(5) *Financial Control*. 'In a number of cases capitalist countries either through government officials or representatives of banks, control the revenues and expenditures of the governments of backward countries which are otherwise independent' (8:458). This form of control may be exercised by several States together or by a single State alone. Examples of the latter kind are found in the financial control of the United States over certain Caribbean and Central American countries, as well as over Liberia and Persia.

(6) *Tariff Control*. With a view to benefiting themselves, Western powers have frequently compelled backward countries not to raise their tariff duties on foreign goods beyond a certain limit. This kind of control was exercised over Japan till 1911. Such control has been exercised over China, Turkey, Morocco, Siam and Persia, the object of this control being to enable Western countries to dump their goods upon backward regions and prevent the development of indigenous industries.

(7) *Extra-territoriality*. This means the right of a foreign government to establish courts of its nationals residing in backward countries on the ground that these countries do not possess a reasonable brand of justice which can be applied to all. This right of extra-territoriality was claimed and established in almost all Muslim countries which give few rights to Christians, as well as in Japan, China, Korea and Siam. When, however, these countries adopt western standards of justice, the foreign powers gradually drop their extra-territorial claims. Thus in 1894 the United States relinquished her claims over Japan, and the Soviet Union over China in 1924. Turkey has abolished all extra-territorial claims. After World War II began Great Britain and the United States abolished their extra-

territorial claims in China. These rights are usually exercised by consular or international courts and, as is to be expected, they are frequently abused. Extra-territoriality may be interpreted to mean even exemption from local taxation. Sometimes it may be extended even to natives adopted as their proteges by foreigners.

(8) *Informal Control.* Sometimes foreign countries acting together in unison refuse to recognize the government of a backward country until it fulfils certain conditions laid down by their diplomats. This method of control is described by Buell as 'extra-legal' or 'backstairs' method. In the exercise of this control, various devices are adopted. The United States has used her marines in Nicaragua, Santo Domingo, the Caribbean, etc.; Great Britain has had recourse to the device of foisting her nationals as advisers, especially in matters of finance, on Persia, Egypt, and Iraq.

(9) *Interventions.* In the name of the Monroe Doctrine, the U. S. has at times intervened in the Latin American countries. The doctrine came to be regarded as the juridical basis of interventions.

The Open Door and Closed Door. Several wars were fought with China in the last century to impose the policy of Open Door on her. According to this policy, all foreign powers wishing to trade with a backward country are given equal facilities. No discrimination is practised against the goods of nationals of any foreign country. The 'open door' is sometimes extended to shipping and settlement as well. It means 'equality of opportunity' for both the imperial and other foreign countries. The traditional policy pursued in the British Empire has been that of the 'open door', but today it is considerably modified. The mandatory system required the maintenance of the open door in the A and B classes of mandates. Any member of the League could have 'complete economic, commercial, and industrial equality' in these areas. Since 'open door' frequently leads to cut-throat competition among foreign powers, recourse is sometimes had to international co-operation. Thus, in China, prior to the new government, no single state or group of states was allowed to make loans in return for political privileges.

The 'closed door' is the opposite of the 'open door'. It means preferences, discriminations, and monopolies not only as regards trade and commerce, but also as regards shipping, investment and settlement. Its purpose is to strengthen the economic ties between the mother country and the colony and shut out foreigners from any appreciable share in the profits. For many years the United States

followed this policy with regard to the Philippine Islands. It is, says Schuman, survival of the old mercantalistic system. In the C class mandates there was no obligation to keep the door open.

The closed door usually takes three forms (a) tariffs, (b) shipping and (c) concessions. Some countries adopt tariff assimilation by which free trade is maintained between the mother country and the colony; but both have the same tariff system in their relation to other countries. Some other countries adopt tariff preference by which the mother country and the colony have different tariff systems, but extend special concession to the goods of each other.

As Buell writes: 'From the standpoint of the consumer the closed door means high prices, from the standpoint of a native it is but one more phase of the policy of exploitation; from the standpoint of the world at large, it means the perpetuation of the worst forms of nationalistic imperialism' (8: 426).

Military Alliances. While these have always existed, they assume new importance today. Member states entering them usually retain their sovereignty, but carry through a common military policy, often under the hegemony of a powerful nation. Examples of such alliances are found in the standardization of arms among the American countries and a common military policy—mutual military aid found among the group of countries represented by the NATO, SEATO, and MEDO.

The Mandates. The idealism engendered by Woodrow Wilson during World War I took a concrete form in the Mandatory system, provision for which was made in Article 22 of the League Covenant. While previous wars between European nations often meant the outright annexation of the colonial possession of the defeated powers, at the Peace Conference at Versailles it was said that the rights of the backward peoples should be the first concern of the Allies, that no single allied power should be allowed to become the sole possessor of any of the colonial territories of the former enemy countries. Hence there was brought into existence the Mandatory System whose object was (1) to safeguard the interests of the native population and (2) to avoid friction and rivalry among the imperial powers which, if not checked, would lead to future wars. The idea of 'trusteeship' on behalf of 'people not yet able to stand by themselves' was definitely asserted. Much against the wishes of President Wilson, the mandates were grouped into three classes, A, B and C, on the plea that not all the territories taken from the former enemy countries were at the

same level of development. Hence it was argued that different systems of government were required to meet their differing needs. The A class mandates were considered the most fitted for the attainment of self-government in the near future and the C class mandates were considered the least, while the B class was placed in between. The tutelage of these mandates was entrusted to 'advanced nations' which were required to submit annual reports of their work to the League Council, which was working through a Permanent Mandates Commission for this purpose.

Although the mandatory system was devised in good faith, it did not justify the high hopes entertained at the time of its inception. The mandatory powers, instead of regarding the mandates as 'trusts of civilization' imposed upon unwilling nations, proceeded to regard them as annexations. 'For all practical purposes', Schuman says, 'the C mandates (were) treated as annexations and the B mandate administration (was) scarcely distinguishable from that which would have been provided for outright conquest. The A mandates (were) also under effective control of the mandatories' (8:617). Except in Iraq the mandatories ruthlessly crushed the legitimate aspirations of the people towards independence and self-government. Even in the matter of choice of the mandatory, the wishes of the mandates were set aside, as in the case of Syria which declared the United States to be her first choice and England next; and yet she was assigned to France. In 1932 Iraq was declared an independent British Protectorate, but her 'independence' was no more real than that of Egypt. The situation in Syria was much worse. The French and the Syrians seemed to be temperamentally incapable of understanding and helping each other.

Is Imperialism Justified? It is too late in the day to try to justify imperialism by roundabout and circumlocutory methods. Very few people today are prepared to believe with C. D. Burns that imperialism breaks down the mere narrowness of village politics and leads to internationalism and world brotherhood. If anything, it has precisely the opposite effect: The essence of imperialism is exploitation and domination. It is no heresy to say that imperialism has not had a respectable ancestry, although a stage comes in the history of its development when ruthless exploitation is clothed behind such high-sounding conceptions as 'trusteeship' and 'the civilizing and humanizing mission' of the West to the East. Many a modern empire had its origin in piracy and slave trade. Even the British Empire, says Barnes, is no exception to this rule (4:11).

The supporters of imperialism generally place emphasis on such factors as law and order, roads and railways, medicine and sanitation, schoolhouses, trade and instalments of self-government. But those who are opposed to it call attention to such concomitant factors of imperialism as brutality and ruthlessness, exploitation, misery, poverty and degradation, racial arrogance and unbrotherliness. J. A. Hobson regards imperialism as being rapacious and immoral, in addition to tending to destroy free government at home. According to Jawaharlal Nehru, the crisis of our time in Asia is colonialism vs. anti-colonialism.

(1) *Does Imperialism Benefit the Colonial People?* For a few cases of genuine humanitarianism, there are many cases of ruthless exploitation. As late as the mid 1920's, European states possessed colonies with twice their own population and twenty times their own area. (154 : 202). Leonard Barnes is right when he paints the British Empire as 'a composite jumble, ramshackle in some parts, repressive in others, aimless in most, and beneficent in a few' (4 : 21), as against the familiar picture of 'a perennial spring of universal justice and benevolence on which the sun never sets' (4 : 20). It is true that in out-of-the-way places in Africa, imperialism has abolished cannibalism, slavery and crude forms of justice and government. But over against these benefits of imperialism we must weigh such facts as the culture system followed by Holland in the former Dutch East Indies, the atrocities committed by the Belgians in the Congo, indentured labour and virtual slavery which prevail in many parts of the tropical empire, and the confiscation of enormous tracts of land by a handful of whites in South Africa and Kenya. In South Africa, a million and a half whites own 280 million acres, while 5½ million Negroes possess 27 million acres.

In pursuing the policy of *Apartheid* or racial segregation, Negroes, Indians, and other non-whites in South Africa are being driven to the *ghettoes*. The situation has worsened considerably since the end of World War II. A few universities which were formally open to non-white races are becoming increasingly closed to them. In 1958 there took place the Sharpeville massacre when 67 Negroes were shot to death in cold blood and many were seriously injured when the Negroes protested against the law which compelled them to carry pass cards.

Barnes points out that in the mining districts of Africa 'conditions analogous to slavery' prevail. Native labourers are recruited for the most part by deception, and the compound system under which many of them live is detrimental to health, morals, and economic uplift. A

compound, Barnes defines, as a 'cross between a barrack and a jail'. Conditions of agriculture in Africa are not any better. In the last few years, as Barnes points out, a system of native policy has been built up in the Union of South Africa which is a calculated outrage upon every tradition of fair dealing. In the Transvaal and Natal, 'no male native may be employed outside the farm on which he resides, unless he carries a document from the farmer permitting him to seek employment' (4: 256)! Brutality is added to oppression.

It is a notorious fact that imperialist countries spend very little money upon improving the conditions of the people over whom they are the self-appointed trustees. Leonard Woolf says that in the year 1924, out of an estimated revenue of two million pounds, the Kenya Government spent £44,000 on prisons and £37,000 on education. The whole policy pursued by the Government is to favour some 10,000 Europeans at the expense of 25,000 Africans and 36,000 Asians. All the desirable land is reserved for them and the 'native is on the road which leads to economic slavery' (83: 86).¹ Conditions in South and East Africa show that the fate of the native population is much worse when entrusted to the white settlers on the spot than when it is in the hands of the Colonial Office in the mother country. This is the one reason why the natives in Northern Rhodesia, Southern Rhodesia, and Nyasaland were unalterably opposed to the formation of the self-governing Central African Federation out of these territories. Today the pattern of life in Southern Rhodesia is becoming more and more like that of South Africa and the native people are being driven from pillar to post. Imperial powers are, as a general rule, short-sighted.

When we turn from Africa to India, we find that conditions under the British were not very much better, although Great Britain was a better master than most imperial powers. The economic exploitation and drainage of the country went on apace without much let or hindrance. Parker Moon wrote: 'The reason why the British first entered India, and the primary reason they have remained there was not to benefit India, but to benefit Great Britain' (63: 290). In spite of more than 175 years of British rule in India, the average wage of the Indian labourer was, at the end, about six annas a day. The appalling poverty of the masses is still the most hideous fact that strikes

1. One result of it has been the rise of the Mau Mau rebellion, a terrorist organization among the Kikuyu tribe killing the Whites and White sympathizers and informants. It has now been suppressed.

the attention of any observer. In the words of Mahatma Gandhi : 'The Government established by law in British India is carried on for the exploitation of the masses. No sophistry, no jugglery in figures can explain away the evidence the skeletons in many villages present to the naked eye' (106 : 753-34). Besides poverty, there was still ignorance of the worst kind, 87 per cent of the people having been illiterate in 1940, although the new free Indian government is now doing everything possible to educate its people.¹ Public health was very poor, with a high rate of mortality and a high birth-rate, although the imperial power was not to blame for all of it. A disproportionately large percentage of the revenue of the country was spent on an expensive army and an equally expensive civil service and a host of pensioners, with the result that nation-building departments such as education and public health were obliged to live a hand-to-mouth existence. The flow of capital from England to India in the form of investment brought no relief to the masses. As Barnes notes : all that it did was to tighten the grip of the rich upon the poor and of Great Britain upon India.

By controlling currency and the military budget and, to some extent, the tariff and fiscal policy of the country England was able to favour her own people at the expense of the poverty-stricken masses of India. The indigenous cottage industries of India, which provided a living to many thousands and gave them opportunity for the expression of their personalities in creative work were practically wiped out under the stress of imperialistic competition. It is a well-known fact that the widespread textile industry of India was destroyed early last century by, among other things, the imposition of prohibitive import duties in England on fine Indian fabric. In the light of all this, it seems a mockery to speak of imperialism as a purely humanitarian task. Cecil Rhodes was nearer the truth when he said : 'Pure philanthropy is very well in its way, but philanthropy plus 5 per cent is a good deal better'. Schuman contends that profit motives, power motives, and prestige are skilfully concealed in terms of humanitarianism, civilizing missions, religious conversion, and material benefits conferred upon the backward people (70 : 422). The same writer says that in the countries under the heel of imperialism, very little money is spent as a rule on removing illiteracy and in promoting education. Much money is spent for military purposes,

1. Illiteracy percentage today is about 70.

administration, and railway building. The white settlers take the lion's share. Beggary, starvation, and social disorganization stare one in the face everywhere. Head taxes and hut taxes are levied in Africa primarily not to raise revenue, but to compel the natives to work for white employers.

Even if it be granted, as it is, that certain indirect economic benefits accrue to the victims of imperialism, it must be said that these benefits are often at the expense of their political independence, self-respect, and dignity. Political subjection is as intimate a part of imperialism as is economic exploitation. The nature of power is such that those who are kept under its yoke for long years come to love their very chains. As Rousseau points out : 'If there are slaves by nature, it is because there have been slaves against nature'. The recent history of Egypt, Syria, Palestine, India, Burma and Ceylon goes to show that imperial powers are most loath to part with authority and responsibility, and can be depended upon to place as many hindrances as possible in the way of a people being able to govern themselves. Imperialist powers have not yet learnt the truth that 'no man is good enough to be another's master'.

When the agitation on the part of subject peoples for self-government and independence becomes persistent, the imperial power adopts one or more of the following devices (70 : 624-29).:

- (a) It crushes native resistance by force and devises means by which to enfeeble the victims.
- (b) It uses persuasion, education, and coercion to make people loyal subjects of the empire.
- (c) It replaces the language and culture of the people by those of the conquerors.
- (d) It makes 'a pretence of colonial participation in the national government', substituting such an arrangement for national self-determination.
- (e) It provides for various forms of autonomy, protection, and native participation in local government, taking care to retain the substance of power in its own hands.
- (f) It uses native princes and other vested interests as agent of colonial government.
- (g) It sees to it that executive power is not allowed to be controlled by the legislature.
- (h) In exceptional cases, it relinquishes power without war, as in the case of the British Dominions and India.

'So long as those who resist alien rule are weaker than the foreign conquerors, resistance merely intensifies foreign oppression and prolongs the dictatorial regime imposed from without' (70 : 629). Public disorders, inter-communal rivalries and frictions, illiteracy, low moral standards, and the like, are used as excuses for indefinitely postponing self-government, without any attempt being made to remove these hindrances. The backward countries are not given a chance to develop themselves and to learn by making mistakes. In this respect, the African native has probably been the most unfortunate, at least until very recent years.

Another fact of which Schuman reminds us in connection with the alleged benefits of imperialism is that Western civilization is not an unmixed blessing. The white man's religion, morals, language and social institutions have not infrequently resulted in the destruction of indigenous culture and in social chaos and demoralization. We are told that the native population of the South Seas is dead or dying on account of its contact with the West, which at its worst, has meant rum, guns and syphilis. In other parts of the world people living under imperial sway have lost their own culture, arts, morals and folk ways and have become 'grotesque and debased caricatures of western whitemen' (70 : 592). While ancient imperialism touched the lives of the people only at a few points and left the people for the most part to develop their own native genius, modern imperialism is thorough-going in its application to the lives of the people and is destructive of the best in their culture and civilization. It brands them as people of 'lesser breeds without the law' and equates military superiority and superior technology with cultural superiority.

Imperialism has much to answer in the matter of racial relationships. Racial frictions which mar the relationships of people in Asia and Africa are a direct legacy of imperialism. C. F. Andrews asks the question : 'How can you be a friend of the man who insists on always keeping you in a semi-inferior position'?

Furthermore, war is a necessary feature of imperialism—in the first instance with the backward peoples, and later with other imperial powers. Hardly a single colony has been won without some bloodshed. A recent writer observes that the path of empire is red with the blood of its victims. Another writer says : 'Diplomacy, coercion, and military force are the necessary accompaniments of imperialism.' Even after subjugating a backward country, the

imperial power is obliged to maintain a large army of occupation, partly for the sake of asserting its prestige, partly because of the fear of native revolt, and partly because of the fear of the possibility of rival imperial powers grabbing an ill-gotten gain. An imperial power is always on pins and needles, and the mentality which it exhibits is inimical to the maintenance of normal human relations.

(2) *Does Imperialism Benefit the People of the Mother Country?* It is often assumed that imperialism brings great material advantages to the people of the mother country. A careful analysis of the situation does not support such an assumption. On the emotional side, there is no doubt that imperialism is a good tonic for a people smarting under an inferiority complex. But it does not help the masses materially.

As a general rule, the pecuniary gains resulting from imperial adventures go to a favoured few. The nation as a whole pays the piper without calling the tune. Thus, for instance, the direct gain to the British masses from their possession of India was probably slight, in spite of the fact that 'India is by far the greatest market ever acquired as a colony by any industrial empire' (63 : 520). Particular industries such as cotton and iron may benefit, but not industry in general. If the huge capital which had been invested in India and other colonial possessions had remained in Britain itself, the condition of the British working classes might have been much better than it is today. Leonard Barnes writes : 'Colonies, in particular, are normally class assets, which bring advantages *e. g.*, to investors and manufacturers ; but disadvantages, *e. g.*, to wage-earners' (4 : 21).

Advocates of empire often say that the imperial country obtains a bulk of the raw materials which its colonies produce. Actual facts, however, do not support such a contention. Raw materials, as Parker Moon puts it, are colour-blind. They obey economic rather than political laws. Trade generally follows the lowest price level, and not any patriotic exhortations.

The imperial preference idea which gained strength in the British Empire after World War I and which reached its climax in the Ottawa Agreement of 1932 did not bring much relief to the empire. *The Times* wrote, 'in the seven years between Ottawa and the outbreak of war, Great Britain and the Dominions simultaneously learned that their most pressing economic problems and the hopes of solving them turned on their trade relations not with one another but with the rest of the world.' Britain today seems to have learnt that lesson to perfec-

tion when she is willing to scrap a large free trade area in which she occupied a central place in favour of the European Common Market.

Notwithstanding the above arguments, the lower classes in the mother country benefit indirectly. Foreign trade and importation of cheap raw materials make for greater general well-being and greater buying power. This is true of the United States, even though she is not an imperialist power in the sense in which Great Britain, France, Belgium and Portugal have been or are.

In order to protect a far-flung empire, Britain was obliged to maintain a large army, navy, and air force. And this means that the British tax-payer had to bear the brunt of the burden; and whatever indirect gains he may have derived from Britain's imperial possessions was possibly more than offset by the burden of taxation. This economic burden is possibly one of the reasons why since the close of World War II, Great Britain has been busy conferring independence or self-government on several of her erstwhile possessions.

The plea that imperialism is a remedy for over-population is not supported by facts. The people of Italy and Japan who complained of overcrowding did not find colonies a solution to their problem. Adjustments in industry, agriculture and finance as well as international co-operation can perhaps solve the problem much better.

Imperialism further results in the lowering of wages and standards of living among the people of the imperial country. When the capitalist finds that he can get quick returns for his money by investing it in backward areas where labour is cheap and abundant, he naturally diverts his capital there. Before long he finds that a great variety of goods can be produced there at a much smaller cost than at home. The result of all this is that the labouring classes in the mother country suffer reduction in wages as well as unemployment.

The moral effects of imperialism upon the victors are very grave indeed. Prof. Hocking is right when he says: 'It is especially dangerous for any people to live long among a population which it holds in contempt'. It leads to lower standard of morality and debases conscience. It is not uncommon to find the white man using one set of standards for himself and another for the coloured. Even the law of the country is made to do service to such perversions. The white man hypnotizes himself into the belief that the coloured man belongs to a lesser breed, that he does not require the comforts that he demands for himself, that he can live on next to nothing, that his manners and morals are not worthy of attention, that his sentiments

and feelings need not be scrupulously considered, and the like. It is this kind of veiled contempt which accounts for the fact that few Englishmen in India have real insight into the culture and civilization of the people of the country. They know a great deal about elephants, tigers, and snakes, social clubs and palaces, but not much about the inner life and genius of the people. The beauty of Indian philosophy, poetry, literature and art is a closed book to many of them.

A century ago (in 1860) Cobden asked the thoughtful question whether repression and injustice tolerated in the colonial possession by Britain may not corrupt her own domestic politics, "just as Greece and Rome were demoralized by their contact with Asia". A lesson which mankind learns very slowly is that injustice tolerated abroad soon comes to roost in one's own backyard. In our own day, J.A. Hobson, writing about administrators, soldiers, and business men returning to their mother country after years of stay in the colonial possessions says: "Everywhere they stand for coercion and for resistance to reform. . . . It is, indeed, a nemesis of imperialism that the arts and crafts of tyranny, acquired and exercised in our unfree Empire, should be turned against our liberties at home." (Quoted by Ebenstein, W., p. 667.)

Imperialism is at its best a benevolent despotism so far as the so-called 'backward' regions are concerned. Repression is the very breath of its nostrils. Experience shows that repression practised in a colonial possession soon comes to roost at home. It is probably true that the freedom-loving Englishman has lost some of his original zeal for freedom, partly because of the changed mentality brought about by the military excesses of his countrymen abroad and by the serious restrictions placed on freedom in various parts of the dependent empire.

The unnatural relation prevailing between the imperial country and its possessions is altogether inimical to the possibility of the two learning from each other. Receptivity to new ideas and suggestions and the drawing out of the innate capacity of the learner are difficult of attainment so long as the master-servant relation prevails between two peoples.

(3) *Does Imperialism Help to Avoid Friction Points Among Nations and Make for World Peace?* The answer to this question is, for the most part, in the negative. Imperialism means international rivalry and competition. It means a struggle for markets, raw materials, and places for capital investment. As long as there were plenty of open

spaces in Africa and Asia for settlement or exploitation, the Western powers were able to parcel them out among themselves without much friction. Today almost all available space is taken up, and the future promises to witness a period of struggle between the imperial powers for colonies and markets. Germany and Japan sought to justify their part in World War II as an attempt at equalization in the imperial world. Writing before the commencement of the War, Leonard Barnes said : 'It is true and fair to say that Britain's possession, on the present privileged terms, of a vast dependent Empire is incompatible with peace' (4 : 21-22).

It is claimed by Prof. E. Barker, for instance, that, while the British Empire originally signified overseas expansion for the twofold purpose of settlement and business, it is revealing a process of sublimation which is leading to the totally new idea of a community of self-governing nations based on voluntary adhesion to the English ideas of law and liberty. It is needless to say that this statement about a free association of self-governing nations may apply to the Dominions, but not to the colonies and dependencies which till recently constituted 6/7ths of the whole Empire.

Even if it be admitted for the sake of argument that the British Empire secures peace, order and contentment over vast territories, it does not follow that world peace is secure. Britain may be honest in her desire not to engage in wars and aggression as well as in her desire to fit her colonies and dependencies for self-government as speedily as possible. But so long as the non-British capitalistic countries of the world harbour the grievance that they do not have an adequate share in the trade and territories of the world, world peace rests on slender basis. Therefore, our conclusion is that imperialism in practice, and not the imperialism of the philosopher, is not conducive to peace. At best it means armed neutrality.

(4) *Is there an Alternative to Imperialism?* Imperialism, we are convinced, is not finally possible. Schuman believes that the days of Empires are numbered, even though their decline will inevitably be slow and gradual.

A very useful suggestion made by Barnes is that, inasmuch as imperialism and capitalism are intimately linked together, it is necessary to substitute socialism for capitalism in the 'mother country', if imperialism is to undergo profound modification. In the author's words: 'Some sort of socialistic revolution in Britain is a precondition of every tolerable imperial system'. The 'liberation and develop-

ment of the colonies is interdependent with the socialization of Britain. Neither can take place without the other. They are two aspects of a single interlocked process.' According to R. Fox: 'The issue of the struggle of the British working class, the question of socialism in England, cannot be considered apart from the liberation of the peoples of the Empire'.

INTERNATIONALISM

Thoughtful people everywhere are coming to realize the urgent need of replacing international anarchy by international order. The world is no longer a huge place, as we once imagined it to be. Distance has been annihilated by rapid means of transport and communication. Economically the world is a unit. The radio and television have annihilated the sense of space and the mysterious fear which accompanied it. 'From the point of view of news and views', as Madariaga says, 'the world has attained the unity of the market place.' We are surely living in an interdependent world in which what concerns one people sooner or later has its repercussion upon every other people. If mankind is to save itself from the catastrophe which awaits it, it should replace national exclusiveness by international inclusiveness; the doctrine of national sovereignty by the doctrine of international solidarity.

Internationalism stands for a family of self-respecting and self-governing nations united to each other by ties of equality and living at peace and concord with each other. At the present stage of human development at least, a sound nationalism is a prelude to a sound internationalism. In the words of Joseph: 'Nationality is the necessary link between man and humanity'. Militarism and jingoism or what has earlier been described as 'wolf pack nationalism' is surely an enemy of internationalism. The fact that I love the group to which I belong does not in any way mean that I should despise other groups. Nationalism of the cultural, moral and spiritual kind is an ally of internationalism. In the words of William Lloyd Garrison, 'Our country is the world, our countrymen are all mankind. We love the land of our nationality as we love all other lands'.

Internationalism in the Twentieth Century: The League of Nations. The greatest advance in internationalism was made in the first quarter of the twentieth century, at least from the point of view of machinery. What was lacking was the will to international co-opera-

tion and international control. Nevertheless, public opinion was gradually veering round to internationalism, and it was reasonable to hope that before long internationalism would become as much a natural and normal part of man's thinking as nationalism and imperialism had been hitherto.

The League of Nations saw the light of the day on January 1, 1920. Although it was not the work of any single individual or of any single generation, Woodrow Wilson, more than any other statesman of the day, helped to give it a practical reality. It was in pursuance of the last of his famous fourteen points which declared, 'A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to governments and small States alike.'

The general purpose of the League as set forth in the preamble to the Covenant is as follows:

'1. The High Contracting Parties

In order to promote international co-operation, and to achieve international peace and security;

by the acceptance of obligations not to resort to war,

by the prescription of open, just and honourable relations between nations,

by the firm establishment of the understandings of international law as the actual rule of conduct among Governments,

and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another,

Agree to this Covenant of the League of Nations'.

A close study of the Articles of the Covenant shows the objects of the League to be:

(a) Preservation and maintenance of the *status quo* as established by the Peace Conference;

(b) Fulfilment of certain administrative and supervisory functions, such as the protection of national minorities, the supervision of the free city of Danzig, the administration of the Saar valley, and the operation of the Mandates system;

(c) Concern with problems of health, social questions, finances, importation, communication and the like; and

(d) Prevention of war and the pacific settlement of disputes.

Membership in the League and Withdrawal. The League started with forty-two original members. According to the provisions made

in the Covenant, admission of new members required a two-thirds vote of the Assembly. The condition of membership was the promise to observe international obligations and disarmament regulations laid down by the League. Very small states such as San Marino and Armenia were excluded from membership, while Switzerland was admitted in spite of her unwillingness to fulfil her military obligations because of her neutralized status. The United States never became a member because of the failure of the Senate to ratify the Covenant. In spite of it, the United States co-operated with the League in many of its activities. Some of her eminent sons served as judges of the Permanent Court of International Justice and some were closely associated with the scaling down of reparations.

Withdrawal from the League required two years' notice, except in cases where an amendment made to the Covenant was unacceptable to the member withdrawing. Before withdrawal a member was required to fulfil all its obligations. A member violating the Covenant could be expelled. Three significant withdrawals before the commencement of World War II were those of Japan, Germany and Italy.

The Organs of the League—(a) The Assembly. Each member of the League had one vote. This meant in theory at least that the League was controlled by the small States, since they formed a majority. Each member of the League was allowed to have three delegates, collectively exercising one vote. India and the self-governing Dominions of the British Empire were counted as separate States for this purpose. The delegates to the Assembly were chosen by the executive governments of their countries, and hence represented governments rather than peoples.

Till World War II began, the Assembly met once a year at Geneva. Provision was made for special sittings. Business was conducted in English and French. Much of its work was done through committees, there being six standing committees to deal with the important aspects of the League's work. Final debate took place in the Plenary Assembly. The agenda of the Assembly was prepared by the Secretary-General in consultation with the President of the Council. Questions proposed by an earlier Assembly, by the Council, or any member of the League were included. The Assembly was presided over by an elected President, who was assisted by twelve Vice-Presidents, six of whom were presidents of the standing committees.

One of its functions was that of admitting new members to the League by a two-thirds majority. It also elected annually three of the

nine non-permanent members of the Council by a majority vote. Once every nine years, in conjunction with the Council, it elected by a majority vote fifteen judges and four deputy judges of the permanent Court of International Justice. It further approved by a majority vote the Council nomination for the post of Secretary-General. It had the power to amend the Covenant in accordance with Article 26.

As a deliberative body, it exercised very wide functions. It had the competence to deal with any matter 'within the sphere of action of the League affecting the peace of the world'. Any member of the League could bring to the attention of the Assembly or the Council any matter threatening 'to disturb international peace or the good understanding among nations upon which peace depends'. The Assembly had the right to advise members to reconsider treaties which had become inapplicable.

A special function of the Assembly was the approval of the annual budget, which was about one-fifth the cost of a single modern battle-ship. According to Madariaga, in 1936 the world spent more than 10 billion dollars on armaments, while the average League budget was 8 million dollars or 1/2500th. The budget was prepared by the Secretariat and was subject to revision by the Assembly, which apportioned the share of the expenses among the member States. The total expenses were divided into a thousand units and a certain number was assigned to each member in accordance with its size, population and political importance. Of the total income, approximately half was spent on the Secretariat, one-third on the International Labour Office, and one tenth on the permanent Court.

In the very nature of the case, the work of the Assembly was of a general character. Its size and importance made it difficult to act as swiftly as the Council. Nevertheless, it exercised a general supervision over the work of the Council.

Both the Assembly and the Council were assisted by a number of 'Technical Organizations'. One of the limitations of the Assembly was that it could not arrive at any decision without a unanimous vote of the members present at the meeting. But since most of its acts were in the nature of recommendations, a simple majority vote was deemed sufficient. The representatives at the Assembly were delegates of their respective governments. Therefore, they could not vote independently, but under instructions from their foreign offices.

In spite of these limitations, the Assembly was a valuable body. It provided a ready platform for the discussion of international

grievances and disputes. Even 'domestic questions' which were not matter for arbitration by any League body could be discussed by the Assembly under Article XI, and, if they had an international bearing, they could be made the basis of a treaty binding those powers which ratified it. Although the Council was a more influential body, in the case of the Japanese occupation of Manchuria at least, the Assembly was able to deal with the situation much more effectively.

(b) *The Council.* It consisted of three classes of members (i) permanent, (ii) non-permanent, and (iii) special. The permanent members were the allies who won the war in 1918. Germany was admitted to a permanent seat in the Council in 1926, but lost it on her withdrawal from the League.

The Council held four regular meetings a year, and provision was made for special sessions. At the beginning of each session the Secretary-General of the League presented a report on the action taken on the earlier decisions of the Council. The President and Vice-President of the Council were elected annually by a majority vote of the Council. They were not eligible for election continually for two years.

The most important function of the Council was the settlement of international disputes. In cases where the disputants refused arbitration or adjudication, as well as in cases where these methods of settlement were inapplicable, the Covenant required that the matter be referred to the Council for action. This meant that 'non-justiciable' or 'political' disputes fell within the jurisdiction of the Council. During the time that a dispute was under consideration by the Council or Assembly the parties concerned were required not to go to war.

The power of the Council could be increased by treaty agreements among the member States. The Council was vested with authority to mobilize sanctions against a Covenant-breaking State. Together with the Assembly, it elected the judges of the World Court, appointed Secretaries-General, and increased the number of members on the Council. As in the case of the Assembly, a unanimous vote was required for all decisions and agreements. But on matters of procedure and similar matters a majority vote was sufficient.

The precise relation between the Assembly and the Council was not laid down in the Covenant. Some have compared the two bodies to the two houses of a modern legislature while others have

compared the Assembly to a Parliament and the Council to a Cabinet. Both these comparisons are misleading; while the Assembly concerned itself largely with questions of 'legislative policy', the work of the Council was mostly semi-judicial and administrative.

(c) *The Secretariat.* It was the permanent administrative organ of the League machinery. It may be regarded as an International Civil Service. While not in itself an executive body, it was vested with administrative powers. At the head of it was the Secretary-General who was appointed by the Council with the approval of the majority of the Assembly. He in turn appointed other Secretaries and members with the approval of the Council. There was no competitive examination for admission into the service, but in making appointments, professional competence and the need for fair distribution of posts among the member States of the League were borne in mind. Once a person was appointed he was to regard himself as a servant of the League of Nations, and not of the State to which he belonged. The duties of the members of the Secretariat were not national, but international. During the period of service they were not allowed to accept any honour or decoration from their governments.

The work of the Secretariat was to collect data, prepare the agenda for the meetings of the Council and the Assembly, summon meetings, keep records, communicate decisions and agreements to the member States for ratification, transmit recommendations for information and action, prepare drafts, and make suggestions for the solution of current international problems. It prepared and published the Official Journal of the League which contained minutes of the Assembly and Council proceedings. It was the permanent adviser on international affairs.

(d) *The Permanent Court of International Justice.* Prior to the formation of this Court in 1920, there was no genuine 'International Court', much less a Permanent International Court. This Court had the competency to decide all cases of an international character submitted to it by the parties concerned. It also gave advisory opinion upon all questions submitted to it by the Council or the Assembly. Although such opinion had no binding effect, it was generally accepted. The interpretation of the League Covenant did not belong to the Court, but to the member States.

The powers of the Court were much wider than those of the old Hague Tribunal. The Court had the power to interpret treaties

and questions of international law, decide the extent and nature of reparations to be made for breaches of international obligation, and determine the existence of any situation which if established would constitute a breach of such obligations. But the jurisdiction of the Court in these matters bound only those member States which signed the 'Optional Clause'. Members of the League agreed to submit to the Council for either arbitration or investigation such matters as could not be settled by the Court. On questions arising with regard to ports, waterways, railways, and the like, the Court had compulsory arbitration.

Judgments were delivered by a majority vote and there was no appeal. If, however, a party to a dispute discovered a new fact which was relevant to the case, it could appeal for revision of the judgment 'within six months after the discovery of the fact and within ten years after the judgment' (8 : 588). In arriving at decisions the Court used international conventions and rules established under them by the agreement of the contracting States, international customs, the general principles of law recognized by civilized States, and judicial decisions and teachings of eminent publicists.

The number of judges in 1930 was 15 and their term of office was nine years. The system of electing was such that both big and small nations were represented on the Bench. In the case of a State to a dispute which did not have its own national on the Bench, it was allowed to select a judge. For failure to fulfil the conditions of his appointment a judge could be removed from office by a unanimous vote of his colleagues.

(e) *The International Labour Organisation*. It consisted of (a) General International Labour Conference, (b) a Governing Body, and (c) an International Labour Office. The General International Labour Conference was composed of four delegates of each co-operating government. Two of these represented the Government, one represented capital, and one labour. Although capital and labour representatives were chosen by each government, they were chosen in consultation with the industrial organization concerned. The delegates were given the privilege of voting individually. This made it possible, for instance, for all the labour delegates of the conference to vote against the employers' delegates. Non-members of the League also were allowed to send representatives.

The chief object of the International Labour Organization was to promote uniform labour legislation throughout the world, although

certain exceptions were made in the case of Japan, China and India on account of differing climatic and other conditions. One of the useful conventions passed was the eight-hour day and forty-eight hour week. Another convention was the prohibition of children under fourteen from being employed in gainful occupations. As regards India, children under fourteen were prohibited only from working in mines, factories and transportation.

Appraisal of the League of Nations. Even the most enthusiastic supporters of the League cannot claim that it was an unqualified success. While it did much good, it failed to prevent war and injustice in many cases, especially in China, Abyssinia and Spain. Nevertheless, it was a movement in the right direction. Its failures lay largely in the domain of 'high politics', while in the field of international co-operation in non-political matters, and more particularly in matters pertaining to labour, it achieved considerable success. It was an association of sovereign nations. What was required was an association of peoples. A confederation of governments alone, each striving for its own ends, could never attain success.

Many who judged the value of the League judged it by its ability to prevent war and settle international disputes by pacific means. From this point of view, the League was largely a failure. It is unfortunate that the League was linked up with the Versailles Treaty, one of whose clauses imposed 'war guilt' upon Germany and made her responsible for the whole cost of the war. The sordid story of reparations and the occupation of the Ruhr as a part of that story did much to discredit the League. Other factors which contributed to the same end were the League 'trusteeship' of the Saar Valley in the interest of France, the joint protectorate of the League and Poland over Danzig, and the League administration of Memel, a port given to Lithuania.

Leonard Woolf observes: "The statesmen who 'worked' the League for fifteen years or so did not believe in it; they thought themselves to be realists and the League either an Utopia or a convenient or inconvenient instrument—it depended upon circumstances—of national policy." (Quoted by Ebenstein, W., op. cit., p. 739).

Disarmament. If the attempts to outlaw war were not a great success, neither did attempts in the direction of disarmament succeed. The League worked for disarmament through the Permanent Advisory Commission and the Temporary Mixed Commission, but both efforts failed. A general Disarmament Conference of the League

of Nations met at Geneva in 1932. A multitude of proposals came up before the conference, but nothing materialized. At one stage in the conference Soviet Russia proposed complete and immediate disarmament, but this was not acceptable to the other members.

Sanctions. The League Covenant provided for economic, military, and political sanctions. During the Italo-Abyssinian war, economic sanctions were applied by several States in regard to various commodities, but not in regard to oil, the most important commodity required by Italy. The League could not force any of its members to apply sanctions. Military sanctions—*i. e.*, the use of armed forces belonging to the members of the League on the recommendation of the Council—were never applied. Political sanctions referred to exclusion from membership of the League for violation of the Covenant. This was done in the case of Russia in 1939.

NATIONALISM, IMPERIALISM AND INTERNATIONALISM TODAY

The Rise of Internationalism:

Just as the nineteenth century was an epoch of triumphant nationalism, the twentieth century may be regarded as an epoch of new resurgent internationalism. As Laski thinks, the inadequacy of the sovereign nation-state has been demonstrated by the tragic occurrence of two world wars in a period of three decades. The emergence of the League of Nations after the first world war and the establishment of the United Nations Organisation after the last war are the steps in a right direction but they are nothing more than the initial steps in the direction of a world federation based on complete abrogation of the sovereignty of nation-states as the only remedy of the myriad ills caused by the existing anarchy in international affairs.

New Basis of International Law:

He stands for a total reconstitution of the traditional basis of international law which regards sovereignty as an essential characteristic of every nation-state. "The concept of an absolute and independent sovereign state", says Laski, "which demands an unqualified allegiance to government from its members, and enforces that allegiance by the power at its command, is incompatible with the interests of humanity. If we are to have a morally adequate theory of political obligation, we must approach the problem from a different angle. In a creative civilization what is important is not the historical

accident of separate states, but the scientific fact of world-interdependence. The real unit of allegiance is the world. The real obligation of obedience is to the total interest of our fellowmen" (47 : 64).

International Government in a Unified World Society :

Laski thus believes in the ideal of a unified world society with an international government exercising authority over the national societies in their mutual relations. This will result in an alienation of the sovereign power from the national societies such as Russia, England or India to an international body like the United Nations Organization which will be converted into a genuine world federation by the possession of a coercive power over its constituent units. The advent of international government will no doubt cure the present lawlessness in international relations but its attainment still seems in the realm of remote possibility.

Greater Awareness of International Solidarity :

There are at present several trends leading towards a greater awareness of the sense of an international community. The progress of science, especially in the means of communications, has brought one nation closer to another. The technological advance resulting in the growth of large-scale mechanized industries created new opportunities for the development of international trade. The imperialist drive of the capitalist countries, though a sad event for the victims of imperialism, created new linguistic, cultural, economic and political bonds between the European nations and the races and peoples of other continents.

Capitalism and an International Market :

Capitalism created an international market supplanting all national barriers and breaking the iron bars of isolation in one country after another. If it led to competitive wars between capitalist nations, it compelled the generous minds in every nation to pause and think and find out the means of outlawing war as such. Moreover, the growth of an international labour movement may be regarded as an inevitable by-product of the rise of capitalism. Laski recognizes the fact that all these factors have produced a greater consciousness of international solidarity. The birth of such organizations as the League of Nations or the present United Nations Organization is a proof of this consciousness.

National Sovereignty as a Threat to Internationalism:

But it must be admitted that the forces which resist internationalism are still powerfully entrenched in various spheres of social organization (50 : 258). The doctrine of national sovereignty is still a positive hindrance in the effective realization of a broadly agreed international policy. This is evident from South Africa's denial of human rights and equal treatment to its coloured citizens although the overwhelming majority of the world public opinion has condemned its policy through the successive resolutions passed by the United Nations Organization for the last several years. The tendencies such as racialism, colonialism or fascism still act as powerful deterrents to international unity and cooperation. Laski even declares capitalist imperialism as incompatible with the ideal of a cooperative world order:

War as a Legal Right of the State :

Since Grotius formulated his conceptions of international law, war has been regarded as the legal right of every sovereign community for the settlement of disputes with any fellow member in the community of nations. Laski regards the reconstruction of the Grotian theory of international law a vital part of his political theory.

As he says, "A theory of the State, that is to say, must be, from one angle a philosophy of international law. It must explain why states should regard themselves as bound by the rules of international intercourse. It must build itself upon postulates which satisfactorily fit the kind of world to which we belong. It must be wide enough, in its foundations, to weigh the significance of the immense changes we have witnessed in the relations of states since Grotius, some three hundred years ago, first formulated a scientific approach to the problems of international law. No foundations for such a philosophy can be adequate, unless they provide for the rules of international intercourse the assurance of that continuity of application which enables the state, within its own community, to make its law the measure of the behaviour of all other associations with which it has contact" (50 : 218).

Machinery for Pacific Settlement of Disputes :

In other words, Laski is pleading for a revision of the traditional basis of international law which makes every state the sole judge of

its disputes with other states and permits it to seek its settlement by a trial of arms. He wants to evolve an effective international machinery which may secure the pacific settlement of disputes between different states without any need of recourse to war. In short, war should be banned by international law as an instrument of national policy. Considering the present tensions and ideological conflicts between the communist bloc of nations and the capitalist countries under American hegemony, legal outlawry of war still remains an idealistic dream of the pacifists with little possibility of its practical realization.

National Sovereignty as a Doctrine of the Capitalist Era:

It is a historical fact that the sovereign nation-state of the modern times is essentially a product of the capitalist era. In the context of international law, the doctrine of sovereignty has found expression in two ways. In the first place, it is a logical formula which regards the rules of international law as the product of independent wills of the sovereign states. No state is considered bound by any rule to which it has not given its prior consent. This logical formula is further reinforced by a philosophical justification of this position. The state is regarded as a supreme moral community which cannot be externally bound by any moral or legal consideration against its own will. Moral relations presuppose an organised life and it is claimed that such an organised life can be found only within the borders of a single nation-state. We cannot claim the same type of organised life for the states in their external relations with one another.

National Sovereignty as the Basis of the League of Nations :

Hence the rules of international law can have no validity against the will of particular states. Laski points out that the organisation of the League of Nations was based on clear recognition of the fact of sovereignty of individual states. It was this emphasis on sovereignty of each state, which prevented the evolution of a consensus in the field of disarmament. Every state regards the pursuit of self-interest as the basis of foreign policy both in peace and war. Self-interest can be pursued only with the support of armed forces and armaments, which a state maintains. The right to wage war is an expression of the sovereign power of each state. Therefore, no state is prepared to relinquish sovereignty in the interest of international order. The armed forces and armaments are not only valuable in times of actual

war but they serve the national self-interest in times of formal peace as well because a more powerful state can impose its will on weaker states simply by threatening the use of force. Such matters as tariffs, migration, persecution of national minorities, nationalisation of foreign companies etc. may create differences of opinion between two states and the stronger party is always likely to use diplomatic pressures, subversion and intervention to resolve such disputes in its own favour.

War as a part of the World Order:

Laski therefore concludes that the war or an armed peace threatening the outbreak of actual hostilities at any moment has become an essential feature of the world order, which has recognized the existence of a multiple number of sovereign nation-states.

It is obvious that the most important single barrier in the path of realizing an ever-lasting world peace is the doctrine of national sovereignty. Laski does not agree with the views of those international jurists, who think it is possible to abolish national sovereignty in the context of the existing class-relations of a capitalist country.

National Interests and Capitalism:

The purpose of sovereignty in a capitalist state is to maintain and protect the interests of a capitalist class both internally and externally. The so-called national interests are always the sectional interests of the ruling capitalist class. The modern capitalist states have waged a series of imperialist wars only for the benefit of the capitalist rulers of those countries. The numerous wars of colonial, conquests in Asia, Africa and America waged by the capitalist states of Europe may be cited in support of this fact. Even the war of 1914 was a struggle between two blocs of capitalist countries fighting for the control of markets and colonies.

War Inherent in Capitalist System:

Laski therefore concludes that the doctrine of sovereignty is a weapon in the hands of the ruling class of a capitalist state to safeguard its interests by diplomacy and war in the international sphere. As he significantly remarks, "The State in a capitalistic society needs to remain sovereign in order to protect the interests of capitalism. In the last resort, these interests have to be protected by

war, which is the supreme expression of sovereignty in international relations. So long, therefore, as the effective purpose of the state, internally regarded, is to protect the principles of capitalism, so long, in its external aspect, will it require to retain the use of war as an instrument of national policy. If sovereignty and an effective world-order are incompatible ways of life, then, also capitalism and world-order are incompatible; for war is rooted in the capitalist system in our experience of its necessary functioning" (50:229).

World Peace Depends on Abolition of Capitalism:

It is an important conclusion because it regards the abrogation of the capitalist system as a precondition for the abolition of national sovereignty which alone can guarantee peaceful relations between different communities of the globe. All attempts at international organisation, which ignore this fundamental hypothesis of Laski, are almost predestined to failure. Realistically speaking, international government is impossible in fact of the serious antagonisms that have historically divided the capitalist world. With the emergence of the Soviet Union and other Communist states on the world scene, there has emerged another source of antagonism between states *i.e.* the antagonism between the capitalist and Communist blocs of nations.

Sovereignty and the Communist State :

Laski thinks that the Communist state does not threaten the peace of the world in the way the capitalist states have been doing in the past and are likely to do the same in future at any suitable opportunity. He is convinced that the fundamental interest of a Communist state is the preservation of international peace. As he says, "It is, I think one of the clear lessons of the inter-war years that while the interest of a Communist state, like that of Russia, is peace, since peace is the condition of the success of its experiment, the interest of capitalist states is held to be threatened by its successful development. That is why, as I have already argued, even the statesman of the capitalist democracies did not, in its early phases, at least, regard the anti-Bolshevik crusade of Hitler as unwelcome" (131: 209).

Soviet Russia and Colonialism:

He thus emphasizes the fact that a socialist society like the Soviet Union does not suffer from those contradictions which compel

a capitalist state to pursue a policy of colonial aggrandizement bringing in its wake the inevitable cycle of imperialist wars. There are no vested interests in the Soviet Union seeking control of foreign markets and colonies. Thus a Communist state does not require a sovereign power for aggressive purposes as the other capitalist states do require it. The Russian state needs sovereignty only to defend its frontiers against an invasion by some capitalist state" (121:537).

Contrast between Foreign Policies of Russia and Capitalist States:

Laski says that a socialist state like Soviet Russia does not require the attribute of sovereignty in the sense other capitalistic states need it. In Germany, Japan, the U. S. A. or Great Britain supreme coercive power of the state is in possession of a privileged social class which governs in order to safeguard its class interests. Surrender of sovereignty by these states will endanger these interests. Externally the vested interests of these countries use the sovereign power to wage "the war of steel and gold" and "invoke the half-rational sentiment of nationalism" to protect their privileges in foreign countries. Such vested interests do not exist in Soviet Russia and, therefore, the motive to aggression in the case of the Soviet regime can never be attributed to economic imperialism. Soviet Russia, unlike a capitalist country, will wage wars only in self-defence. But a capitalistic state, threatened by economic crisis inherent in the system, will use its sovereign power for aggressive purposes in order to protect or expand its economic empire.

Socialism and Sovereign Power:

Laski in this way shows that socialist societies do not require the sovereign power for aggressive purposes, and the transformation of the existing capitalist societies into socialist societies can alone bring about that atmosphere of peaceful intercourse between nations, which is the first condition for installing an international government which can control the external relations of the national communities.

Capitalism, War and Sovereignty are Related:

The contemporary history of the major capitalist countries abundantly proves Laski's thesis that capitalism, sovereignty and war are intimately connected with one another. Every capitalist society by its unequal distribution of income in the community

creates a contradiction between its production and consumption. The capitalist class does not meet this crisis by a change in the relations of production but by a policy of economic imperialism. This brings one capitalist government in conflict with another for the possession of colonies, protectorates, the spheres of influence, or the zones of legitimate aspiration which can serve as sources of raw materials, as markets for the finished goods, or as areas where the surplus capital may be exported and reinvested. This has been a history of England, France and Holland in the nineteenth century. This has, also, been the history of Germany, Italy and Japan in the first half of the twentieth century. As Laski foresaw, this may as well be the history of the United States of America in the second half of the present century.

America's Drive towards Aggressive War and Imperialism.

As he says, "American economic expansion, in the classic sense, is over; the relations of production deny the possibilities of the forces of production in the same way as in Great Britain. The standard of life of the masses does not satisfy their established expectations. Meanwhile the power of American production increases without any parallel power, within the domestic market, to consume the commodities so made available. There develops the classic need to capture foreign markets to satisfy that profit-making motive which is the drive of capitalist production. But since America, like Europe, has, as the great depression after 1929 made obvious, entered upon the period of economic contraction, its democracy, in its present form, can only survive either by becoming imperialist or by transcending its capitalist relation. If the future of America were to lie in the first direction it could not surrender its sovereignty. For, if its will as a state could be bound by the wills of other states, it would be unable to develop an imperialism. That would force it to choose between capitalism and democracy; and, if it chose the first, America, like Hitlerite Germany, would be driven to aggressive war"¹. The transition from the New Deal regime of President Roosevelt to

1. Laski: "Reflections on the Revolution of Our Time", Chapter VI, pp. 215-16. "His final question to the United States", says Kingsley Martin, "was whether it would realize in time that its democracy was unreal unless plutocracy was dispossessed, or whether the propertied class would destroy democracy and resort perhaps to Fascist methods to maintain their power and their privileges". (Harold Laski: A Biographical Memoir, p. 195).

the reactionary administrations of Johnson and Nixon implies that America has finally chosen the path of economic imperialism leading inevitably to international violence and war (127:108:116). There is no chance now of that socialist transformation of the American society which Laski regards as the basic condition of a peaceful American foreign policy. America cannot abandon an aggressive use of its sovereignty as is evident from her aggression in Viet Nam because it has now clearly embarked upon a policy of economic and military imperialism to solve the internal crisis of American capitalism

Imperialist Phase of Capitalism:

"My argument therefore", says Laski, "is the simple one that the postulates of the imperialist phase of capitalist development necessarily involve war; and that an effective international order is, *a priori*, incompatible with it. That international order must fit the categories of a unified economic world, and this has completely outgrown the limitations which the sovereign state, as a political category, puts upon it" (50 : 243). In other words, Laski concludes that the sovereign capitalist state must be sent to the dust-bin of history, a place where it now truly belongs, before any serious attempt to define the nature of an effective world organization, which can successfully safeguard world peace, may be made.

The Conception of a World Organisation:

When the League of Nations was brought into existence as a consequence of the Treaty of Versailles, Laski regarded it as an important forward step in the direction of the erosion of national sovereignty. In the beginning he regarded it as a super-state but he later on accepted that it was an erroneous interpretation of the position of the League of Nations. Even then he thought that this international organization was bound to become a super-state in the course of time. In "A Grammar of Politics", he wrote, "Nor need I dwell upon the purely technical issue of whether the League is juristically a superstate or merely an association of sovereign nations. I believe myself that it is inevitably destined to become the former and that this character will become increasingly obvious as its functioning becomes more adequate. For it has, in fact, the power to bind its members; and there are already spheres of activity within its ambit of authority in which evasions of the obligations it creates are,

if not theoretically impossible, at least sufficiently difficult to be impossible in practice" (47 : 588).

The League of Nations as an Association of Sovereign States :

The subsequent history of the world events falsified Laski's prediction in this regard and the League of Nations remained merely an association of sovereign nations till it met its final doom in the outbreak of the second world war. The League failed to impose its decisions on the sovereign states against their will. This was revealed on the question of registration of treaties, the problem of a readjustment of national boundaries, the question of disarmament or limitation of armaments, the issue of the treatment of racial and religious minorities, and, finally, on the question of the claims of subject races for better administration and self-government.

The League Failed as an Instrument of Collective Security:

When the League failed in these matters, it was bound to fail as an instrument of collective security. When Japan, Italy and Germany embarked upon a policy of international adventurism and brigandage, the League of Nations could not even compel its members to impose economic sanctions against the aggressors. On the other hand, the major capitalist countries of the League condoned the aggressive acts of the fascist governments and pursued a policy of appeasement towards them bringing about the inevitable collapse of the League as an instrument of collective security.

The U. N. O. also as an Association of Sovereign States :

The contemporary history of the world abundantly shows that the state retained its sovereignty not only after the coming into being of the League of Nations but the legal status of a state in international law remains basically unaltered even after the establishment of the present United Nations Organization. The state is still the sole judge and executing authority of its internal and external policies. It still makes war and concludes peace in its discretion. It decides for itself the nature of its foreign alliances. It determines how large or small armed forces are needed for its defence or offence, if necessary. If it possesses colonies, it must itself decide how to govern or misgovern them.

Even the United Nations Organisation cannot compel the sovereign state of South Africa to show a better consideration for its

coloured citizens than what it has been doing in the past. Nor can it ask the United States of America to desist from the policy of building its military, naval and air bases in every part of the world and of stationing its armed forces in such far-flung places as Western Europe, North Africa and East Asia, because this policy is likely to disturb international peace. Similarly, it cannot ask Great Britain or Portugal to wind up the remnants of their empires, say in South Arabia or Central Africa where the people have unmistakably shown a desire to be free of colonial control and are even waging a relentless struggle for their national liberation.

Lessons of the Manchurian and Abyssinian Crises:

Laski realized this fact after sixteen years of ineffective functioning of the League of Nations climaxed by its utter collapse in face of the Manchurian and Abyssinian crises. As he significantly remarks, "For what the experience of the last sixteen years has surely shown is the incompatibility of the League with the coexistence of sovereign states; and the latter display no sign of a serious willingness to abandon their sovereignty. They need it, in fact, for the protection of interests which cannot be promoted or maintained save by the technique of war. The ambitions of Japan and Germany, of Italy and Hungary, to take some obvious instances, assume a period when they will make demands upon 'other' states which only the arbitrament of the sword can enforce; and recent experience seems decisive that they are willing to break legal obligations, however morally profound, in order to realise them. The answer of the League should be opposition in terms of collective security; but both the Manchurian and the Abyssinian incidents make it plain that collective security assumes the existence of an international community able and willing to act as an effective unit against an aggressor. No such possibility appears to exist within the framework of the present system."¹ In short, the League failed because it had no coercive power over its members which could obey or disobey the decisions of the League as they pleased.

National Sovereignty Cannot be Abolished without Abolishing Imperialism:

But the fundamental question, which remains to be answered, is whether it is possible to construct an international system on the

1. Laski: "A Grammar of Politics", the Introductory Chapter, p. XVIII.

basis of abolition of the fact of national sovereignty. Laski finally came to the conclusion that it is impossible to abolish national sovereignty without abolishing the capitalistic structure of society. It is impossible to build an international system based on mutual cooperation of the national communities so long as a capitalist class formulates the foreign policies of the nation-states.

As he says, "An international order, to be effective, must control things like currency, tariffs, labour standards, migration, access to raw materials, the penetration of backward areas, and so forth. But to control these things, it must be able to over-ride the existing vested interests which use the sovereignty of the state for their protection. It cannot override them as the world is at present organised; for they arise inherently from the class-relations of a capitalist society. The forces which protect them are exactly the same as the forces which protect the power of the capitalist inside the national society to which he belongs. Exactly as the sovereign state protects, in the internal sphere, a system of legal rights intended to safeguard his supremacy, so, externally, its authority by the sheer logic of his relationships with it, must be used to impose that supremacy, so far as may be, upon others. It is only as these class-relations are transformed that state-antagonisms become capable of any fundamental reconciliation. Upon the existing basis, the utmost goodwill in international relations can only postpone, without being able to avoid, the ultimately inevitable conflict" (50 : 244).

The seeds of the present international unrest are rooted in the inner drive of capitalism towards imperialist expansion and the League of Nations failed to preserve international peace because of the imperialist ambitions and rivalries of the major capitalist countries. Laski is therefore right in regarding capitalist imperialism as incompatible with the foundations of a peaceful world order.

World Peace Not Compatible with Capitalism:

The problem of a lasting organization for world peace cannot be discussed on a legal or political plane alone. "The organization of peace", says Laski, "therefore presents us with problems the main emphasis of which is on the economic plane. Peace depends upon the resumption of the conditions of an economics of expansion. That economics is unavailable to us within the framework of the present

relations of production..... The root of economic crises lies in the conflict, which is permanent in any capitalist society, between productive power and consumptive power. Hence arises not only the perpetual tragedies of the trade cycle, but, in the long run, domestic revolution and war. Given a mal-distribution of individual income within a community, and of productive resources in nation-states competing in the world-market, and there is no escape from the ultimate arrival of any capitalist system of production at an epoch of conflict because its contraction of available welfare is bound to breed war and revolution It is at least certain that within the historic framework of capitalism a stable and peaceful international society cannot be built" (131 : 219).

Capitalist Peace as a Temporary Interval between Wars :

Laski therefore concluded that a reconstitution of another international organization after the second world war on the pattern of the League of Nations could not be a lasting solution for world peace. He regarded capitalist peace as only a breathing-space between wars. The advent of the United Nations Organization and the post-war armament race between the major countries of the world have abundantly proved the correctness of his thesis in this respect. No international organization can check the imperialist drive of the capitalist states, which leads them finally to the inevitable policies of aggression and war. This has been clearly revealed by the post-war foreign policies of the major capitalist countries. Laski was therefore quite justified in saying that the transformation of the capitalist relations of production into socialist relations must precede any serious attempt to establish an international association of mankind from which we can legitimately hope to realize a lasting world peace.

This is an important conclusion for Laski to make because it is a complete reversal of his earlier position taken by him in "A Grammar of Politics" in 1924. He laid no such condition at that time and welcomed the League of Nations as that super state which would prohibit the occurrence of any future war. No such optimism swayed his judgment when the United Nations Organization was born after the conclusion of the second world war. The reconstitution of an international association of the sovereign states was no guarantee for a stable world peace so long as the capitalist system itself was not overthrown.

Socialism Alone Can Guarantee World Peace:

As he pointed out, "In my view, therefore, the high road to an effective international order lies through the reconstruction of the class-relations of modern society. The more effectively this is pursued, the less interest states possess in the pursuit of an imperialist policy. To develop the productive power of the Community so that men share equally in its results is to prevent the perversion of its political authority to the interest of a small number of its members. Its sovereignty is then no longer a cloak for that interest. Its direction of capital investment is no longer a technique of exploitation abroad which proceeds regardless of domestic need. Its foreign relations express a commercial connection which does not require the inherent militarism of a policy built upon the ideal of economic empire. A society of socialist states is in a position, to which no other order of life can pretend, to consider its economic problems upon a basis of genuine mutuality and good-will... We cannot build a system of cooperation upon principles which, as they are applied, live on the exploitation of man by man" (50 : 254).

International Commonwealth of Socialist Nations:

Thus only an international Commonwealth of socialist nations can bring about those conditions, which alone may be regarded as the foundation of a genuinely peaceful world society. A new Society of Nations, Laski argues, must be built on the basis of the liquidation of imperialism, alike in its political and economic aspects.¹ It must encourage and bring about a rapid industrialization and modernization of the colonial and semi-colonial areas of the world. Lastly, it must ensure an equitable distribution of wealth in every national community. If these central conditions are fulfilled, the international government is bound to be successful and prevent the possibility of a future war.

1. In a letter to Justice Frankfurter, Laski wrote in 1931, "The truth is, dear Felix, that we ought not to stay in India. Literally and simply, we are not morally fit for the job." (Quoted by Kingsley Martin in "Harold Laski : A Biographical Memoir", p 64).

THE EVOLUTION OF COMMUNISTIC THOUGHT

“WHETHER or not we agree with Marx’s analysis of industrial society, it is safe to say that no one can study Marx as he deserves to be studied. . . . without recognizing the fact that, perhaps with the exception of Ricardo, there has been no more original, no more powerful, and no more acute intellect in the entire history of economic science,” Professor E. R. A. Seligman in his *Economic Interpretation of History*, p. 56.

“There is little merit in socialism as a matter of pure economics. Nationalism and all the rest of it is so much mere machinery, though essential machinery: the aim is, or should be, the enhancement of personality. A technically socialist state, in the economic sense, can be as illiberal, as materialistic, as inhumane as a capitalist one: indeed, it can be more so. In other words, socialism is valuable only in so far as it serves Western (human) values”. (Victor Gollancz: *Our Threatened Values*).

Both modern socialism and communism stem from the same source, viz. Karl Marx, who lived from 1818 to 1883. His parents descended from Jewish rabbis, and the Jews have been known throughout the ages for their passion for social justice. Marx’s father was a convert to Protestantism. Marx had known hard days, and this seems to have left a deep influence on his thought on social questions. Early in his life there grew up friendship between him and Engels; and this led to a close collaboration between the two in political activity as well as in research and writing. Because of his revolutionary activities, Marx was forced to spend many years of his life as a political exile from Germany, Holland and France. Much of his time was spent in the British Museum in London. In his life time he was regarded as the unquestioned leader of the European working class movements. Even today he is considered to be the father of modern socialism. Together with Engels he published “The Manifesto of the Communist Party” in 1848. His monumental work, “Das Kapital (Capital)” was published in 1867.

The important influences on Marx’s thought were those of Hegel and Feurbach (1804-72). From Hegel he borrowed the idea of the dialectic, which means that progress comes about as a result

of an interaction between opposites. According to Hegel, history proceeds by a dialectical path to its predetermined goal. Hegel had taught the dialectic in the realm of ideas, whereas Marx applied it to matter. While Hegel had taught dialectical idealism, Marx taught dialectical materialism. Writing on this difference, Marx claimed that he was placing Hegel "right side up". To quote his own words "with him (Hegel) it (the dialectic) is standing on its head. It must be turned right side up again." To Hegel the primary thing is the evolution of the idea. To Marx, however, matter is primary. Spirit, thought, and consciousness are derivative. The material life of society determines the spiritual.

Adapting the highly speculative conception of the dialectic to man's economic life, Marx contended that the earliest stage in man's economic development was one of primitive communism and that this economy later came into conflict with feudalism and capitalism, and that out of this interaction between the two, a scientific communism was coming into existence.

From Feurbach Marx learned that it is not God who creates man, but it is man who creates God. In his own words, "Man makes religion; religion does not make man". Religion, he said, is "the opiate of the people"; and these words have become widely known throughout the world. According to Marx, God exists only in man's mind.

Interpreting this thought, Hallowell writes that history in Marx's thought, is not a conflict between spirit and matter, it is not the unfolding of the spirit of the Absolute. It "is nothing else than the activity of man pursuing his own aims."

Collectivism. The Encyclopaedia of Social Sciences defines Collectivism as a general name for theories opposed to individualism. "It is broadly a term for a trend in social development, a programme of economic reform, a theory of general welfare and a utopian order for mankind; technically, a general label for comprehensive schemes of authoritative control such as socialism, communism, syndicalism, and Bolshevism and specifically, a name for the trend away from the extreme *laissez faire* of the nineteenth century."

As time went on, individualism came to centre round free enterprise and capitalism as against socialism or communism. It was at this stage that men turned towards collectivism which emphasizes large-scale State action and the replacement of the motive of gain by the spirit of service.

According to Hamilton, individualism tried to keep up the fiction of private business in the form of "corporations", but the collectivists are not enamoured of it. They want the business of the community to be collectivized. In the nature of the case, Hamilton holds that "empirical collectivism" cannot be reduced to "the clear-cut lines of a blueprint."

Discussing the issue between individualism and collectivism, MacIver says that the latter stands for the collective action of the community. J. S. Mill was a good example of an enlightened individualist and he tended to speak of liberty as an ultimate end of life. But experience soon showed that liberties conflict. Hence it is that collectivism came into the field in the economic world.

Joad equates collectivism with State socialism which has lost its favour in recent years. On p. 55 of *Modern Political Theory*, he says, "Collectivist Socialists have insisted that society is capable only of gradual change, and that each change must be conditioned by the nature of the social structure that preceded it." The Fabians, according to him, set the pace for Collectivist Socialists.

Of the three writers quoted, it is obvious that Joad takes a restricted view of Collectivism. Hamilton and MacIver, on the other hand, take a broader view with which we agree.

THE TEACHINGS OF MARX AND THE IDEOLOGY OF COMMUNISM

Communism in the twentieth century is said to be an answer to the inherent evils of capitalism which have become more and more apparent in recent times. It is the nemesis of capitalism, the chief features of which are private ownership of the means of production, private enterprise, and private profit. Under capitalism goods are produced not for use, but for profit. As Fox puts it : "The social product is appropriated by the individual capitalist". Although production is a social act, exchange and appropriation continue to be individual acts. The tragedy of our times is that in the midst of plenty there is want and privation. Overproduction is coupled with under-consumption.

According to Julius Hecker, modern capitalism is unable to meet the three great needs of the world : economic security, social or national security, and freedom for self-expression. Communism, he claims, promises to meet all these needs.

Marx and Marxism.

Modern communism, no less than socialism, owes its inspiration to Karl Marx. His book, *Das Kapital*, and his joint work with Engels, *The Communist Manifesto*, form the basis of Communism. The teachings of Marx and Engels were later elaborated by Lenin, the founder of Russian communism and adapted to the conditions presented by modern imperialism. In the teachings of Marx for the first time, socialism and communism shed their utopianism and became scientific and realistic.

1. *The Dialectic.* The starting point of Marxism is the Hegelian dialectic. To state the dialectic in simple language, human progress is by means of contradictions. It is in the form of thesis, antithesis, and synthesis. It is a unity of opposites. History is not a smooth continuous evolution. Human evolution is like the ascent of a spiral staircase. It is a zigzag movement. It consists of contrast, negation, and contradiction. According to Marx, the three stages through which society passes are (1) primitive communism, (2) historical society (present industrial), and (3) higher communism. The third stage combines the communism of the primitive epoch with the technical science and achievements of the historical epoch. The transition from the first to the second is slow and gradual. But the transition from the second to the third is bound to be sudden and sharp.

With the dialectic as his starting point, together with the influence of Ludwig Fuerbach, Marx developed the theory of dialectical materialism, the economic interpretation of history (or economic determinism), the iron law of wages, the theory of surplus value and the class war. To these Lenin added a special emphasis on the doctrine of imperialism as the final phase of capitalism and the idea of the dictatorship of the proletariat. Catlin writes: "The Marxian philosophy is a coherent whole. It is massive because revolutionary action is built upon class war theory; the class war upon the economic theory of surplus value; this economic theory upon the economic interpretation of history; this interpretation upon the Marxo-Hegelian logic or dialectic; and this upon a materialistic metaphysic". (92:569).

For ourselves we believe that the dialectic is an artificial way of forcing history into a pre-conceived pattern. If the dialectic process has no end, scientific socialism should itself become a thesis in turn.

2. *Dialectical Materialism.* Progress is dialectical (the literal

meaning of dialectic is "discussion"), but its nature is materialistic. Marx writes "with me.....the ideal is nothing else than the material world reflected by the human mind, and translated into forms of thought". Commenting on this statement, Catlin argues that the metaphysic of Marxism is materialism. "There is nothing other than the material universe. There is nothing other ; and that which is other is no thing, nothing".

According to materialism, says Engels (quoted by Catlin), "nature is primary. It exists independently of all philosophy. It is the foundation upon which we human beings, ourselves products of nature, have grown up.....". Even Hegelianism which is a dialectic of ideas is to the Marxist really a form of materialism turned upside down in method and content.

As indicated above, Marx not only taught materialism, but a particular species of it known as dialectic materialism. Sabine holds that this dialectic materialism forms the most important part of Marx's social philosophy. Matter evolves according to the dialectic process which is revolutionary in nature. The evolution implied is a social revolution which is of a higher order than a political revolution. The latter simply transfers power from one class to another, whereas the former aims at the abolition of all classes. Rights brought about by a political revolution are *bourgeois* in nature, whereas those wrought by the social revolution anticipated by Marx are human. "The classless society which will result will abolish the division of labour and indeed all compulsory labour". (Sabine, op. cit., p. 635).

The dialectical materialism of Marx, Catlin contends, is not a mere crude materialism. It is not mere sensuousness. Object is not conceived subjectively. If circumstances change men, men change circumstances. Social life is thus essentially practical. Marx's striking words in this context are : "The philosophers have only interpreted the world in various ways ; the point however is to change it".

According to Marx, ends are determined by the historical process, and the most desirable end is a classless society.

3. *The Economic Interpretation of History.* According to Marx, history is to be interpreted purely in materialistic terms, and not in terms of God, purpose or design. The central point in Marx's theory is that forms of production and exchange of commodities determine social and political institutions. To use the language of Sabine, legal relations and forms of state are all rooted in the material conditions of life.

To state Marx's contention in different words, economic forces influence human affairs much more than any other force such as morals, religion or nationalism. Thus, the abolition of slavery in America was, according to Marx, not due to any humanitarian reasons, but due to economic causes. The northern states discovered that slave labour was less economical and less efficient than free labour. Therefore, they went to war and emancipated the slaves. The four stages through which society passes are slave society, feudal society, capitalist society, and communist society. One of Marx's most famous sayings is that men's social existence determines their consciousness and not, as had been generally accepted before Marx, that "the consciousness of men determines their existence".

To Marx economics is a historical science. It is a combination of history and an analysis of economic factors which determine the process of history. In the succinct words of Sabine: "any system of production (according to Marx), by an inexorable logic of its own, must determine the distribution of the social product". (op. cit., p. 639).

Turning to the evolution of the economic order, Marx and Engels claim that the earliest stage was primitive communism. There was common ownership of lands as well as of handicrafts. With the coming of monogamy there came into existence private ownership of property and division of labour. This change in turn brought about increased production which in turn gave rise to trade, commerce, and navigation. All this meant that society came to be organized on a class basis and parasitism appeared on the scene.

At the earlier stage feudalism became the prevailing order and man's place in society was determined by the place he occupied in the economic ladder of land ownership and cultivation. Feudalism gradually gave way to capitalism and labour became a commodity to be bought and sold like any other commodity. Instead of destroying slavery, capitalism perpetuates it in a disguised form and the wage-earner becomes a 'wage-slave'.

In the evolution of this type of economy, a middle class emerges which serves as a buffer between the capitalists and the proletariat. But in course of time it sinks to the level of the proletariat, leaving the bourgeoisie and the proletariat to wage a deadly battle which could only be resolved by the complete destruction of the former and the state assuming the ownership of the means of production. When this happens coercion is replaced by voluntary co-operation and a classless society comes into being.

Capitalism thus contains within itself the seeds of its own decay. It produces its own grave-diggers. Marx held that the material conditions necessary for the realization of the goal of socialism exist within the womb of the capitalist society. Capitalism is chaotic. It means excess of supply over demand, overproduction, the glutting of the market, business crisis, unemployment, underemployment, and misemployment. It means also that private capital is gradually replaced by joint stock companies and trusts and later by monopoly-capital and finance-capital. When this happens capitalism reaches its climax, and is destined to decline rapidly after that.

4. *The Doctrine of Surplus Value.* Marx distinguishes between value in use and value in exchange. The first consists in the satisfaction of human needs and the second in what one exchanges for other commodities. Exchange value is determined solely by labour spent. Marx defines capital as the sum total of all the privately owned means of production employed for the acquisition of surplus value. The essence of capital is the exploitation of labour.

According to Marx, labour creates all values, and whatever is left after paying for raw materials and a subsistence wage to the labourer goes into the pocket of the capitalist in the form of profit, rent and interest. This surplus is used by the capitalist to acquire greater quantities of surplus value by expanding production and employing more labour.

Surplus value is defined as the value which labour produces beyond that which is socially necessary to sustain itself. Appropriation of it by the capitalist is a form of theft. Surplus value is "concealed labour" or labour not paid for.

Marx also uses the significant expression "the iron law of wages". The idea behind it is the supposition that what the labourer receives for his services is only a pittance to enable him to hold body and soul together and to induce him to return to work the next day. Whatever is earned more than that is misappropriated by the employer.

Marx further argues that capitalism results in the overproduction of capital and of commodities. The home market shrinks because of the decreased purchasing power of labour. Hence resort is had to foreign markets, and this results in imperialism and war.

The remedy proposed by Marx in preventing capitalist exploitation is the nationalization of all the means of production, distribution, and exchange. Land, factories, machinery, means of transportation and the like are to be owned and controlled by the State.

It is instructive to note that Lenin, the great disciple of Marx, hardly mentions surplus value in his discussion. In the words of Sabine, it is today "a relic of the teaching of the master rather than a serious part of the system." (162:657).

Sabine further points out that Marx considers labour in the abstract. It is unique among commodities because in being used up, it creates more value. "The labour power used produces value beyond replacement of the labour power consumed".

On the whole question of surplus value, a final criticism which needs mention is that in spite of his great adherence to materialism and materialistic considerations, Marx used ethical principles right through. As Sabine states it: "In fact the labour theory of value never altogether lost the ethical connotation that it had in Locke; it remained in some degree the theory of a just or natural price". (p. 658).

5. *The Doctrine of Class War.* Capitalism is the thesis; organized labour is the antithesis; classless society is the synthesis. In Marxian terminology the classless society represents the synthesis. Marx pictures human life as a grim struggle between the capitalists and wage-earners; that is between the bourgeoisie and the proletariat. In the *Communist Manifesto* the proletariat is defined as "that class of society which derives its substance solely from selling its labour and not from any profit on capital". In modern parlance, the proletariat is the landless, propertyless masses.

Marx's thesis is that so long as the present wage system lasts, based as it is on minimum wage and maximum profits, exploitation of the proletariat by the bourgeoisie is bound to continue. Besides, the working of capitalism requires multiplication of the number of propertyless labourers on the one hand and concentration of capital in the hands of fewer and fewer individuals. Such a dual process alone, says Marx, can ensure safe profits to the capitalist. This tendency eventually leads to monopoly capital and slump of increasing severity inasmuch as the purchasing power of the masses is greatly diminished. Periods of boom which become shorter and shorter in duration are followed by periods of slump till the system ultimately breaks down, paving the way for the replacement of the bourgeois regime by the dictatorship of the proletariat. In the forceful words of Marx himself: "Capitalist production begets, with the inexorability of a law of nature, its own negation". Or, again, "the history of all hitherto existing society is the history of class struggles".

Instead of leaving the collapse of the capitalist order to the opera-

tion of natural forces indicated by Marx himself Marx and his followers advocate the complete wiping out of the bourgeoisie and the creation of a classless society. Though classless, the ideal society is bound to have such distinctions as those between skilled and unskilled labourers and between government officers and those who obey orders. But distinctions based on birth, wealth and position would find no place. No one would be allowed to exploit another or remain idle. The State itself would gradually 'wither away' for, as constituted at present, it is, in the words of Lenin, but 'a machine for maintaining the rule of one class over another'. What the proletariat would do would be to capture the army and the administrative machinery with a view to smashing the State and establish revolutionarily the Communist class order. Later in his life, Marx admitted the possibility of workers in England, America, and Holland obtaining their end by peaceful means. But the general rule, he believed, would be force. In his own words : "Force is the midwife of every old society pregnant with a new one". In fairness to Marx it must be said that according to Marx, the communist end could be brought about by evolutionary as well as by revolutionary methods, although his preference was for the latter.

In reply to Marx's prophecies, it must be said that not many of his forebodings have come true. In most industrial countries while the rich have become richer and richer, the poor have not become poorer and poorer. On the other hand, they are becoming less and less poor. The chief reason why communism and, for that matter, even socialism have not taken root in the U. S. A. is the comparatively prosperous condition of the working classes.

It is possible to argue, on the other hand, that the relative prosperity of the working men in the United States is due to the strength of the trade union movement and that the prosperity of the country as a whole is due to the fact that the United States has gathered in the economic wealth of the world. If the latter contention can be substantiated, it is possible to apply the Marxist theory to the interrelation between nations, rather than to the individuals of any one nation, reaching the unpleasant conclusion : the richer the U. S. becomes the poorer the world becomes, thus paving the way for world communism.

Another aspect of Marx's theory concerning economic classes is that the peasantry and *petit-bourgeoisie* which were politically inert would finally coalesce with each other, because, according to Marx,

both of them had the same ideology and same interests. As Sabine points out, recent history has belied this anticipation. Fascism showed how stoutly the lower middle class of Italy resisted any attempt at a merger with the proletariat.

A further conviction of Marx with regard to the class struggle is that the working classes of the whole world will join together against their common exploiters. The closing words of the *Communist Manifesto* which carry with them an oratorical flourish are : "The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions. Let the ruling classes tremble at the prospect of a communist revolution. The proletarians have nothing to lose but their chains. They have a world to win. Working men of all countries, unite". "The working men have no country".

Suffice it to say that this naive belief in the solidarity of the working classes has not turned out to be true. World War II showed clearly that people are more loyal to their nation and country than to their social and economic classes. Therefore, to insist on a working class solidarity all over the world is more romantic than realistic. Even in India the Communist Party has openly declared its unqualified opposition to the Chinese aggression against India.

6. *Dictatorship of the Proletariat*: This was another of the anticipations of Marx and Engels. The privileged classes who were in the saddle would not surrender their power without a revolution on the part of the proletariat. When this revolution takes place and the upper classes and rich peasants are being eliminated there would be a dictatorship of the proletariat. It would capture the army and the rest of the machinery of the State in order to destroy the State and the capitalist system, the ultimate goal being a classless society living under collective ownership and having a complete control over the economic system. To quote Marx himself: "When, in the course of development, class distinctions have disappeared, and all production has been concentrated in the hands of a vast association of the whole nation, public power will lose its political character. . . . In the place of the old bourgeois society, with its classes and class antagonisms, we shall have an association, in which the free development of each is the condition of the free development of all".

According to Marx and Engels, this dictatorship is only for a temporary or transitional period when the proletariat is consolidating its position. We are bound to cast doubt upon the accuracy of this

anticipation in view of the fact that although fifty-five years have lapsed since the Russian revolution and twenty-three years since the Chinese revolution, there is no sign of either dictatorship or the State disappearing from these countries.

The programme of communism during the transitional period is not as revolutionary as it must have been when it was first announced by Marx:

(i) abolition of property in land and application of all rents from land to public purposes;

(ii) heavy progressive or graduated income tax;

(iii) abolition of all rights of inheritance;

(iv) confiscation of the property of all emigrants and rebels;

(v) centralization of the means of communication and transportation in the hands of the State;

(vi) extension of factories and instruments of production owned by the State; the bringing into cultivation of waste-lands and the improvement of the soil, according to a common plan;

(vii) equal obligation of all to work;

(viii) combination of agriculture with manufacturing industries and a more equitable distribution of population between town and country;

(ix) free public school education and the abolition of child labour.

During the transitional period labour is rewarded according to work. In other words, differences in pay are to be according to differences in skill. This will not mean exploitation inasmuch as the means of production in the new society will be owned by the State and not by individuals. The ideal to be realized eventually is "From each according to his ability and to each according to his need".

7. *The Withering Away of the State.* Under communism the State will gradually wither away, as it has been from the beginning "an instrument of class coercion". In the words of Engels, the State is "the product of society at a certain stage of development". When the perfect, classless society is established, the State disappears. It is not abolished, but it just fades away. Its place is taken by an administrative apparatus which controls and manages the instruments of production. To quote Engels: "The government of persons is replaced by the administration of things".

8. *Disappearance of the Family, Religion, etc.* According to the Marxist theory, since private family and private property came together they are bound to disappear together. The only basis on

which marriage will be based in the future is "mutual affection". It will have no moral, religious or economic significance. With the disappearance of the family will also disappear religion, which is "an opiate of the people". In the socialist state, religion "dies a natural death". What morality there is will be relative morality, relative to particular economic conditions. There will be nothing like an absolute morality. "Bourgeois morality" will be replaced by proletarian morality. Law based upon *a priori* principles will also disappear.

By way of criticism it may be said that even though Marx denounced religion and prophesied its complete disappearance, his own teaching "struck the world like a flaming religion" (148:574).

To quote somewhat extensively from Maxey: "It was a religion even more than a philosophy, and was offered as a substitute for all existing loyalties. Patriotism was an emotional snare to enslave the workers; religion was 'the opium of the people'; the family was a bourgeois institution for perpetuating property rights. The one supreme loyalty was loyalty to humanity as a whole, symbolized by the red flag, which proclaims the universal brotherhood of men."

Scientific Socialism: To Communism of the kind described above Marx gives the name 'scientific socialism'. He contrasts it with the idealistic and utopian socialism of More, Owen, Fourier, and Saint Simon. In this new society exploitation ends and everybody's wants are satisfied. Man becomes for the first time the master of his destiny. Christopher Dawson (quoted by Hallowell) rightly describes all of this as "a secularization of the coming of the Messianic Kingdom".

A Critique of Marxism: (1) It is wrong to assume that the economic factor is the only factor in man's life or in the interpretation of history. Man is not only a biological organism, but also a spiritual creature. Therefore, the economic interpretation of history is an over-simplification and does not take into account all the aspects of man's life. It ignores in particular certain psychological and spiritual factors. Man strives not merely because of his acquisitiveness but also because of motives of vanity, rivalry, love of power, joy of service, and a sense of fulfilment. Marxism exaggerates the economic factor in man's life and does not take into full account such factors as human passions, sentiments and emotions.

(2) Marxism is mistaken in denying the eternal and universal principles of moral conduct. Moral judgments are relative, but moral principles are absolute.

(3) Marxism is too abstract and doctrinaire. It is a rapid gener-

alization on the basis of slender evidence. Several of the predictions of Marx, such as the poor becoming poorer and poorer, have not come true. It is apocalyptic in nature in that it builds a beautiful vision of the future without taking into account some of the baser elements of human nature. Marxism uses the language of determinism.

(4) Marxism is mistaken in assuming "the withering away of the State". As a matter of fact, in the Communist states of today it is daily increasing in power and authority.

(5) Marxism is wrong in giving undue prominence to class war. A classless society brought about by strife and annihilation of the opposite group is not worth the trouble. In his treatment of classes Marx did not anticipate a new class of managers and technical advisers or of innumerable stockholders. His theory of a classless society is a kind of Utopian dream.

(6) Marx overlooks the important fact that man co-operates as well as competes. MacIver rightly says that men can live without competition, but they cannot live without co-operation. It is wrong to assume that all important social changes are accomplished by force.

(7) Theory of surplus value has proved to be wrong. As said above, Lenin hardly refers to it. A recent writer has said that what Marx teaches on value is not a theory of value, but one of prices.

(8) There is no historical foundation for Marx's four stages; nothing to substantiate the theory of primitive communism.

(9) The State has not withered away. It is becoming stronger instead of weaker.

(10) Marx's anticipation that the proletarian revolution would first break out in a highly industrialized country like Germany or England has not turned out to be true. It broke out in the backward Tsarist Russia and the agrarian society of China.

(11) Marxism fails to take into account the forces of nationalism and even racialism. World War I and World War II have proved conclusively that the working men of the world do not all unite together in putting down wars which are largely capitalistic in character. Instead, they side the governments of their own countries and bring about untold hardships to the working classes everywhere.

(12) Although Marxism attacks religion mercilessly, it has become a rival religion of man. Hallowell writes: "In theory Marxism rejects religion but in practice the passion which informs it is religious in character."

(13) "Like all dogmas, Marxism is strong in what it asserts and weak in what it denies." Marx did not have a proper understanding of social psychology, religion or ethics. "He was at his best only when he was thundering as a prophet against the capitalists."

Appeal of Communism. In spite of its failures and shortcomings, both theoretical and practical, communism makes an appeal to an increasing number. Hallowell writes, "We may reject the programme of Marxism but we cannot ignore the indictment which it makes of capitalism." (31:446).

R. B. Gregg, who is by no means a communist, in his *Which Way Lies Hope*, says that Communism appeals to people with a sense of social justice. A sensitive person has a sense of personal guilt for having enjoyed comforts and privileges at the expense of weaker and poorer people. Some other reasons for its appeal, are, according to Gregg, the following :

(1) It gives persons a clear and strong realization of the evils done by capitalism in contrast with the justice and fairness promised by it.

(2) The communistic interpretation of history (dialectical and philosophical materialism) gives a sense of scientific sureness, of truth, and right, similar to the assurance that Roman Catholicism gives to many of its followers.

(3) The communist theory seems to give one a sense of understanding reality, of man, and of what has happened and is now happening in the world. It seems to give a key for the unlocking of history.

(4) It marks a revolt against the past and gives to the individual the thrill of new adventure.

(5) It places before the individual certain captivating ideas:

(a) that society is more important than the individual;

(b) that ends are more important than means; and

(c) that environment is more important than ideas.

(6) Joining the Communist Party gives the individual the feeling that he is becoming a part of a supremely important cause. It calls for strenuous action and the exercise of courage, fortitude, and daring. It provides a common discipline and a sense of order and self-integration. The individual joining the party is said to experience a relief and happiness which come from complete commitment to a great cause. Communism, it is claimed, offers no superficial choices.

Estimate of Marx. However much we may disagree with Marx and his teaching, there is no gainsaying the fact that he gave a philosophy

which has revolutionized the world. He "shunned delights and lived laborious days" in promoting the ends of a class to which he himself did not belong. He was not simply an abstract philosopher, but a political economist and social thinker.

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Lenin and Leninism.

Lenin (1870-1924) was the author of the Russian revolution of 1917 and the father of the present Russian nation. He was both a theorist and a man of action. He joined the revolutionary movement as early as 1890 and spent many years abroad studying Marx and Engels. By a happy coincidence of circumstances he was brought back to his motherland by the Germans during World War I, and this opportunity he utilized to overthrow the Tsarist regime and effect a thoroughgoing revolution. He was the acknowledged leader of the Soviet party since November 1917 until his death in 1924. He applied Marxism with masterly brilliance to Russian conditions. A great service which he rendered to Marxism was to restore to the working classes their revolutionary zeal.

Alongside of Lenin, Trotsky too made a great contribution to the development of the communist theory; but for political reasons the Marxists have not given the credit due to him. In making a comparative study of Lenin and Trotsky, it is obvious that Lenin in 1917 came to some of the conclusions that had been reached as long ago as 1905 by Trotsky.

On the question of revolution, Lenin held to a middle position up to 1917, whereas Trotsky took a revolutionary stand all along. He knew that the bourgeoisie was timid and would not initiate any genuine revolution, which could be brought about only by the proletariat with the full co-operation of the peasants. In time to come the two revolutions—that of the proletariat and that of the peasants—would coalesce or be concurrent. Trotsky called this "the law of combined development". Lenin, on the other hand, thought that the two revolutions would be continuous. At the same time, like Trotsky, he realized that without the passive co-operation of the peasants no great revolution was possible in Russia.

A second point of difference between Lenin and Trotsky is that in 1905 and after Lenin held to the orthodox Marxist view that political democracy was a necessary precursor to Socialism, whereas

Trotsky was under no such illusion. He wanted the abandonment of democracy and the full acceptance of the socialist revolution. Lenin came to the same conclusion during the revolution of 1917. By that time he came to believe that democracy was "hypocritical to the core" and that it had no value for anybody except for a small minority of exploiters.

Speaking on it Sabine says that this depreciation of liberal political institutions was a complete reversal of the valuation set upon them by the tradition of Western Marxism. Karl Kautsky held on to it.

After dismissing liberal democracy as useless, Lenin tried to discover a purer and higher form of democracy in the commune and the Soviet. This endeavour, rightly says Sabine, was "a mere self-deception". Later on Lenin called his brand of democracy "democratic centralism". To any impartial student it is obvious that it was centralism no doubt, but precious little of democracy.

Resemblances between Marx and Lenin.

1. Like Marx and Engels, Lenin believed in dialectical materialism. He believed that every philosophy must be either idealist or materialist. Anything other than that was a confusion and a pretence. Lenin, says Sabine, looked upon idealism or clericalism as he called it, as "a bad product of a bad social order."

Lenin believed that dialectical materialism could be applied to every field of science. From this belief he drew the conclusion that philosophy and social studies were all partisan in character. He regarded professors of economics as "scientific salesmen of the capitalist class" and professors of philosophy as "scientific salesmen of theology." Within the framework of dialectic materialism, says Lenin, there are social scientists of different classes—social scientists of the bourgeoisie and social scientists of the proletariat varieties. In the words of Sabine: "whether he is a proletarian or a bourgeois, every social scientist is a special pleader". This unscientific way of looking at science and history coloured Soviet thinking until recent times when Russian leaders spoke as though history, science and philosophy were all written from the point of view of different social and economic classes; there was nothing objective about them. Even morality was interpreted by Lenin in relativist terms. It is always a class morality. To quote Lenin himself: "We deduce our morality from the facts and needs of the class struggle of the proletariat."

2. Like Marx, Lenin adopted the materialistic interpretation of history and economic determinism. He believed in class war and the ultimate victory of the proletariat. As in the case of Marx, again, religion had no place in Lenin's system. He wanted religion to be regarded as a private matter. Once more, like Marx, he held the view that the state was a class organization. It was the organization of one class for the domination of the other classes and as such it will gradually wither away when exploitation ceases and the means of production and distribution are taken over and administered by the people themselves.

Lenin's Contribution to Marxism.

In spite of certain resemblances, Lenin reinterpreted Marxism to suit Russian conditions. Sabine is of the opinion that the unique contributions of Lenin were as regards his theory of revolution, organization, party and leader. All of these contributions were essentially practical in nature. Confronted as he was with the opportunity of establishing communism in Russia, Lenin's mind naturally turned to the practical ways by which this end could be realized. But he was keen enough and brilliant enough to clothe them in terms of communistic theory and communistic ideology. A recent writer says that Lenin's contribution was not so much to precision of theory, but to the dynamic leadership of his country at a time of crisis. According to Sabine, Lenin's Marxism was "at once intensely dogmatic and highly pragmatic." (137:668).

To the points made by Sabine mentioned earlier and to other points we shall now turn the reader's attention. Although Marx had anticipated imperialism to be the last phase of capitalism, it was Lenin who gave the idea full form and shape. Leninism is, as defined by Stalin, "Marxism of the era of imperialism and of proletarian revolution". One of the main endeavours of Lenin was to explain why capitalism had not collapsed. It found an ally in imperialism. The reason why the lot of the working classes in the industrial countries which were also imperialistic, had not deteriorated is that the whole nation, including the proletariat, benefited at the expense of the people under colonial rule. Colonialism, in other words, gave to the capitalist countries a shot in the arm which was very much needed for their survival. It particularly helped those engaged in skilled trades. From this phenomenon capitalists drew the conclusion that the interests of the bourgeoisie and the proletariat could be reconciled, which was an absurdity in Lenin's thinking.

Lenin not only contributed the idea of imperialism being the last phase of capitalism, but also the ideas of monopoly capital and finance capital. According to Lenin, it is the nature of capitalism to keep on expanding until it drives out the smaller capitalists and becomes a monopoly. At first nationalist in scope, it soon spreads its tentacles all over the world and becomes international. In this process of expansion Lenin visualizes three stages. In the first place there is a struggle within the imperialist country itself where there is big gulf between the rich and poor, and an apparent prosperity. This struggle between the proletariat and the bourgeoisie becomes more and more intensified as time goes on. A second form of struggle is an inter-capitalist and inter-imperialist rivalry. A struggle takes place between the old-timers and the "newcomers" in the field of imperialism; between the "haves" and the "have-nots". This means a scramble for raw materials, markets, spheres of influence, and the like. A third form of struggle is a struggle on the part of the national liberation movements in Asia and Africa against European colonialism.

In this fierce competition, tariffs are no longer used to protect infant industries, as they were originally intended, but as a weapon of international warfare. Industrial combinations on a world scale mean that the control of industry passes out of the hands of those who produce commodities into the hands of financiers and bankers. Commercial capital and banking capital become fused in the hands of a financial oligarchy. Capital itself becomes a commodity of export and the world becomes enslaved to a few financiers. In these circumstances, according to Lenin, parliamentary liberalism becomes a sham and mockery. Interpreted in this manner, the Leninist thesis, as stated by Sabine, is that World War I was not a war for democracy, but a war between rival financial groups for the control of Africa—syndicates of German capitalists with their subsidiaries on the one side and syndicates of English and French syndicates with their subsidiaries on the other. The smaller capitalists on the side lines pick up what they can, but this is only a passing phase. In the words of Sabine: "Fundamentally, however, monopoly- and finance-capitalism is the logical outcome of free competitive capitalism, political imperialism is the logical outcome of monopoly-capitalism, and the war is the logical outcome of imperialism. Imperialism is 'the highest stage of capitalist development,' and a part of the process by which a still higher, non-capitalist or communist, economy and society are evolving." (162:684).

Lenin interpreted the period 1871 to 1914 as "the age of capitalist domination and incipient decay". During this period there was a sense of false harmony between capital and labour in the industrial countries of the world, but all along finance-capital was riveting its hold upon the people. Therefore, there was nothing left for the masses except to bring about a revolutionary overthrow of finance-capitalism. World War I was interpreted by them as a part of the game being played by international financiers. It was correlated with "the increasing frequency and severity of crises". Looking upon World War I as an imperialist war, Lenin welcomed the defeat of his own nation under the Tsar and wanted to "turn the imperialist war into a civil war" *i. e.* into a proletarian revolution. He wanted class consciousness to take the place of national patriotism.

1. *Revolution.* In his *State and Revolution* (published in 1918), Lenin attempts a picture of state under proletarian conditions. In the course of it he lays down his theories of finance-capitalism, the imperialist war, and of social revolution under capitalism. He makes bold to say that every form of state represents a class struggle. Even the new state brought about by revolution is bound to be an instrument of power and repression. Only when the proletariat brings about a genuine communism will the state gradually wither away. Lenin scoffed at the idea of some Marxists that the capitalist state would gradually wither away by a process of evolution. He does not face the question of how a dictatorship of the proletariat is to eventuate in a classless society. By way of concession to Marx he conceded the view that the democratic republic represented the highest stage of government in a bourgeois society.

Lenin posited two stages of Communism. The first or the lower stage he sometimes called socialism as distinguished from the second called communism. Under the first, exploitation will be substantially eliminated, but not wholly. Under the second, the more perfect form, there will be reward according to need and the complete withering away of the state.

To quote Lenin's own words on revolution, exploitation, democracy, and communism: "In capitalist society, we have a democracy that is curtailed, wretched, false, a democracy only for the minority. The dictatorship of the proletariat, the period of transition to communism, will, for the first time, produce a democracy for the people, for the majority, side by side with the necessary suppression of the minority constituted by the exploiter". Under capitalism the state is

"a special instrument for the suppression of one class by another, and of the majority by the minority at that". During the transition from capitalism to communism suppression is still necessary; but in this case it is the suppression of the minority of the exploiters by the majority of the exploited".

According to the teaching of Lenin, the ideal posited is not only a classless society, but also a stateless society. "Only under communism will the state become quite unnecessary, for there will be no one to suppress—'no one' in the sense of a class, in the sense of a systematic struggle with a definite section of the population."

For the complete extinction of the state, says Lenin, complete communism is necessary. While the state exists there can be no freedom. When there is freedom, there will be no state. The state will gradually wither away when it realizes the formula: "From each according to his ability and to each according to his need."

2. *Organization, Party and Leader.* The practical revolutionary that Lenin was, he fully understood the importance of organization and party. His philosophy was that instead of the usual democratic procedure of the majority forming the Government, a revolutionary party was first to seize power and then build up a majority. This, says Sabine, was practically the position of Trotsky in 1905.

For the dictatorship of the proletariat Lenin substituted dictatorship of the party. This party was to be made up of carefully picked people who are the intellectual and moral elite of the community. Not only are they to be carefully selected, but carefully trained. They are to be distinguished from the body of workers. They are the nucleus or the vanguard of the community. In the words of Sabine: "The party thus becomes the staff organization in the struggle of the proletariat to gain power and to retain it after it has been gained." (162:673). "Marxism is the creed that holds it together, and organization is the principle that makes it powerful".

During the transitional period when the proletariat comes into its own, the only instrument it has at its disposal is the organisation. Inasmuch as this party, backed up by the people, knows what it wants for the country, there is no room for a second party. In Lenin's own words (as quoted by Sabine): "In the U. S. S. R. there are only two classes, workers and peasants, whose interests—far from being hostile—are, on the contrary, friendly. Hence there is no ground in the U. S. S. R. for the existence of several parties, and consequently, for freedom for these parties".

No Soviet or other mass organization was to take a decision without directives from the party. Stalin said in 1928 "the dictatorship of the proletariat is substantially the dictatorship of the party". Freedom of criticism, Lenin regarded as "opportunism, eclecticism, and lack of principle;" and hence "a form of disloyalty". The party is not only to decide questions of policy, but also pass upon the correctness of opinions in the light of the "Marxist-Leninist theory". While some questions are open to criticism, others are closed. When the party speaks *ex cathedra* it speaks infallibly.

Lenin thoroughly disapproved the idea of the party being merely an expansion of the trade union. It undoubtedly included it, but was much more than that. It was an extra-legal society. Even from the point of view of ideology, socialism (in the sense of communism) was not to be identified with trade unionism. According to Sabine, Lenin regarded trade unions in the way in which Marx regarded the *petit bourgeoisie* and the peasantry.

Lenin wanted the party to be strongly centralized or hierarchical "from the top downward". Democracy in party organization was described as "a useless and harmful toy". Lenin consistently opposed any form of decentralization or federalism. To describe the kind of centralization he wanted, Lenin, as said earlier, coined the term "democratic centralism". Within the party itself, Lenin was willing to allow criticism and self-criticism in order to keep alive "inner party democracy". But no criticism was allowed of the party itself or of the central Marxist principles. The party was to serve as the instrument of the dictatorship of the proletariat and was to be the embodiment of the unity, will, and wisdom of the working classes. Finally, it was to strengthen itself by periodically purging itself of opportunist elements. Rigid discipline was to be enforced within the party.

As indicated earlier, Lenin emphasized the idea of leader in the party. To the end of his life he was "the leader of the Bolshevik faction of the Marxian Social Democratic Labour party". To the credit of Lenin, it must be said that "he combined personal dictatorship with complete selflessness".

Summing up Lenin's views on party, Sabine writes that "a socialist party supposed to draw together the workers of the world, becomes a closed organization of professionals hierarchically organized from top down and composed of a self-selected and self-perpetuating elite".

Years ago Trotsky who was in opposition to Lenin made the following remarkable prediction: "The organization of the party takes the place of the party itself; the Central Committee takes the place of the organisation; and finally the dictator takes the place of the Central Committee".

3. *Communism first in Russia.* Lenin took great pains to show how Communism broke out first, not in a highly industrialized country as Britain, but in a feudal country like Russia. Lenin's explanation is that although Russia had no experience of capitalism at its height, yet she had experienced capitalism and industrialism "vicariously", that is the experience of the highly industrialized countries of the time. The Russian society at the time was highly feudal, militarist, and despotic deriving its strength from French capital, and people were ready for any kind of a change which would give them relief. This adroitness on the part of Lenin is characteristic of communist ideology and tactics as a whole.

It appears that Lenin took up his idea of socialism in a backward country from the history of Russian socialism which was agrarian and humanitarian in character. These socialists, says Sabine, believed that socialism in Russia might develop from the communism of the mir or village without passing through industrialism. Lenin took up the idea and used it in his own way—an example of Lenin's flexibility of thinking. It was Lenin's argument that "by conscious planning and the will of the proletariat communism was to be introduced into the least industrialized of European countries."

4. *National Interpretation.* Lenin revised Marx by giving a national interpretation to Marxism which had been primarily international. He invented the theory of the possibility of "socialism in one country". His explanation was that just as capitalism was uneven in its development in the several parts of the world where it was found, so socialism too would spread unevenly. There was nothing like universal communism at one stroke. It was bound to come about in an uneven and spasmodic way. Lenin believed that a socialist island in the ocean of capitalism would serve as a "beacon" for the revolutionary movements of the proletariat all over the world. On this issue of "socialism in one country" Stalin and Trotsky later differed sharply. The latter was driven away from his country, and his head was smashed to pieces in Mexico by an assassin. The new leadership in Russia since 1956 has been trying to restore Trotsky to his rightful place in the history of the Russian revolution. Conversely, attempts

had been made by Khrushchev and his cohorts to haul down the flag of Stalin which had been flying aloft for thirty years. The extraordinary reverence shown to Stalin in the past was condemned as 'personality cult'.

5. *The New Economic Policy.* Lenin was enough of a practical thinker not to ride a hobby horse to death. When he found that the War Communism of 1917-21 met with the vigorous opposition of certain elements in the population he had no hesitation in going back on it and introducing the New Economic Policy, making several concessions to capitalism. Individual initiative and personal profits were reintroduced within limits.

After Lenin's death, personal and ideological differences between Stalin and Trotsky shook the party to its depths. Trotsky wanted complete collectivization of peasants, whereas Stalin wanted further concessions to them. According to Stalin, socialism was to be made a success in Russia first, although he gave his support to all attempts at the establishment of world communism.

Criticism and Appreciation. (i) Even though Lenin made certain departures from the teachings of Marx, he held firmly to the Marxist teaching concerning dialectical and historical materialism. At the same time he held the courage to adapt Marxism to the conditions of his day. He gave a free rendering of Marxism. (ii) He invented the idea of "socialism in one country" which is a far more practicable idea than World Communism brought about by revolution and sustained by revolution. (iii) Lenin's chief contribution was not so much to the precision of theory as to the dynamic leadership which he gave to his country at a time of crisis. (iv) As pointed out above, in 1905 he held the view that political democracy was a precondition of socialism, but by 1917 he came to the conclusion that the Soviets themselves were "the highest type of democratic state". He called the communes and the Soviets a higher form of democracy. Proletarian democracy was to him "a million times more democratic than the most democratic bourgeois republic". According to Trotsky, traditional forms of democracy are merely "the ultimate hypocrisy of the bourgeois social order". (v) Such an important Marxist thesis as "reward according to need" or the more popular idea of equal pay was described by Lenin as a "slander on Marxism". (vi) Lenin never paid much importance to the idea of a national culture. However, he sympathized with the aspirations of minorities for cultural equality. Under his influence a human and enlightened

policy was adopted towards national and racial minorities. Lenin agreed with Marx in regarding national patriotism "as a bourgeois virtue that depended ultimately on economic causes."

Stalin and Stalinism:

1. Stalinism is said to be a continuation of Leninism in the period of socialist reconstruction within Soviet Russia since 1917. In so far as Stalin stuck to the cause of the revolution he was faithful to Leninist principles. But in his overweening desire to capture power for personal aggrandizement he deviated from Leninism. He continued to pay lip service to the "democratic centralism" of Lenin, but in his hands it became more centralism and less democracy. The idea of criticism and self-criticism within the party, advocated by Lenin, was set aside in favour of centralism. The world knows only too well of the periodical purges which he enacted in getting rid of rivals and political suspects. Even people who were close to him lived in constant fear of him, never knowing when their turn will come for liquidation.

2. Stalin subscribed to the Leninist thesis that imperialism was the last phase of capitalism and that with the disappearance of imperialism would also disappear capitalism. According to this belief, as Sabine points out, Stalin thought that Russia could insulate herself and practise socialism while waiting at the same time for the collapse of capitalism in accordance with the rigid canons of Marxism. Unfortunately for Stalin this never happened.

3. Stalin stuck to the Leninist dictum of "socialism in one country" and was ruthless in curbing remnants of capitalism within Russia. There was a keen rivalry between Stalin and Trotsky as to who was the true exponent of Leninism. Trotsky regarded Stalin as a muddle-headed, ill-mannered, and crafty politician who only wanted to capture power and retain it. He considered Stalin's ideas as leading to a counter-revolutionary reaction. Trotsky advocated the idea of a world communism and a permanent revolution.

4. Even though Stalin was an advocate of "socialism in one country", he kept up the form of the third international, created by Lenin in guiding world proletarian movements. The myth of "the international solidarity of the proletariat" was kept up in order to serve the interests of Soviet Russia. In 1943 Stalin had no scruples in dissolving the Comintern as being "superfluous" and a deterrent to Soviet war efforts. There is no single case of the "International"

having precipitated a successful revolution anywhere. Communists of other countries were often looked upon as 'fifth columnists' trying to undermine Russian foreign policy.

5. The idea of "socialism in one country" has turned out to be nothing more than fierce nationalism which is characteristic of the present-day world as a whole. Sabine is right in thinking that there is no clear line of demarcation between communism as a driving force in politics and nationalism which is the other great drive in politics.

What is more, in the case of Russia and China, the other large communist country of our day, nationalism has become blended with imperialism. John Strachey who was a leftist in politics for many years and sympathetically inclined towards communism now believes that the world may yet see a great Russian and a great Chinese Empire.

6. True to the Marxist tradition, Stalin held to the idea of "the withering away of the state", but the phrase did not mean much on his lips. Stalin held that the withering away will come about only when the higher stage of communism was reached which was impossible so long as communism was like an island surrounded by an ocean of capitalism. Without the liquidation of the capitalist state, the state in a communist society was bound to remain. All of this, rightly observes Sabine, was a clever device to postpone the disappearance of the Russian state.

7. Stalin changed the character of Marxism by introducing the idea of wages according to labour. The formula "from each according to his need" was replaced by the formula "from each according to his labour". Stalin considered equality of consumption an idle prattle. He wrote "even under socialism 'wages' would be paid according to labour performed and not according to need." "Equalization in the sphere of consumption and personal life is reactionary petty-bourgeois nonsense." Under Khrushchev incentives were given a place in production, as also certain other techniques of American production under capitalism.

8. Stalin took great pride in the 1936 constitution of Russia. He regarded it as the only true democratic constitution in the world. He overlooked the fact that no country which does not allow opposition parties to function and does not provide freedom of speech and association can be called a genuine democracy. Lord Attlee (quoted by John Strachey) compares elections in a communist country to a horse-race in which only one horse runs!

Yet Stalin may rightly take pride in the fact that however indirect and remote the control of government by the people may be in Russia, their system of Soviets is an improvement upon pre-existing conditions. The party conclave, the politburo, and the presidium are still the most powerful groups in whose presence the Soviets of peasants and workers pale into insignificance.

9. As a theoretician, Stalin was not the equal of Lenin. He did not possess the massiveness and nimbleness of Lenin's mind. He temporized with communism in certain matters, but for the most part he saw the world "through thick Leninist lenses." (Strachey). He was too inflexible and rigid in his thinking to see the world as it was. As late as 1952, a year before his death, he wrote in his *Economic Problems of Socialism in the U. S. S. R.* : ⁽¹⁹⁵³⁾

"The U. S. A. has put Western Europe, Japan, and the other capitalist countries on rations. Western Germany, Britain, France, Italy, and Japan have fallen into the clutches of the U. S. A. The major vanquished countries, Western Germany and Japan, are now languishing under the jackboot of American imperialism."

Suffice it to say that Stalin did not have sensitivity to understand the feelings of some of the Finns, the Poles, the Czechoslovakians, the Hungarians, etc. under "the jackboot of Russian imperialism".

10. Whatever the inconsistencies and contradictions of Stalin as a Marxist may be, there can be no question that he is the architect of modern Russia. From 1924 until 1953 he was the predominant voice in Russian affairs. He modernized Russia in the agricultural, industrial, and military fields, making her a great power in world affairs, rivalling the U. S. A.

In the economic field as a whole, Russia has made rapid strides through her carefully drawn and rigidly executed five year plans. There are still shortages as regards consumer goods, but this is nothing to regret when we take into account the surfeit of goods in some highly industrialized capitalist countries of the world. For any country to have reached the economic level that Russia has reached, building herself up from the scratch during a short space of forty years is nothing short of a miracle.

Militarily, Russia is one of the front-ranking countries of the world. During World War II Russia gave an unusually good account of herself, despite early reverses, and much of the credit for it goes to Stalin. By clever strategy and iron discipline over his people as well

as through such devices as the scorch-earth policy, Stalin led his people to victory.

Positively as well as negatively, Stalinism has demonstrated that nationalism continues to be a stronger force than communism. Russia is no longer the insulated country that she was under Stalin's leadership. Since Stalin's death, Russia's relations with the outside world have improved considerably, despite cold war rivalries and frictions. Even in relation to China, it is only after communism there had become a *fait accompli* did Stalin recognize that country as a partner in world communism, having regarded Chinese Communism in its earlier stages as 'a rightist deviation'.

Maosism may be regarded as Leninism applied to conditions of a predominantly agrarian civilization. The main problem of China has been one of land hunger and Marxism is regarded as an answer to it.

Revolutionary tendencies in modern China began with Dr. Sun Yat-sen who in 1911 put forward his three principles of Nationalism, Democracy, and People's Livelihood or Socialism. The enunciation of these principles alone did not bring about a new heaven and a new earth. By 1919 the situation in China had worsened and just at this time the star of Bolshevism was in the ascendancy in Russia. The Chinese intelligentsia began to look with favour upon communism, and a communist society was founded in Peking as early as 1918. At this time Li T'ao-chao was a famous philosopher who was turning to communism and Mao Tse-tung, his library employee, deeply impressed by his mentor, joined the communist society as a student member.

In the meantime exchange of personnel was taking place between China and Russia and Dr. Sun Yat-sen himself was turning sympathetically towards communism. By July, 1921, there was a communist party existing in Peking, Canton, Shanghai, and Hunan. A mighty proletarian surge was on the way under the leadership of the communist party.

Sun Yat-sen was deeply influenced by the positive measures of party organization on Leninist lines. In attaining Nationalism, one of the three principles, he began to organize the party along Leninist lines. The Kuomintang, the party founded by Dr. Sun, was represented as a coalition of all the classes and the communists were urged to enter it and make it a driving force of revolution. Individual communists entered the party while at the same time a separate commun-

ist party was maintained. Borodin, a Russian communist leader, who had arrived in China by now, and Sun Yat-sen were the chief actors.

By this time the Chinese were organizing themselves for leadership. Mao Tse-tung who himself was of peasant origin began to organize the peasantry for revolution. He knew how to create mass discontent. Student groups, journalists, and other such people joined the party. The communists at first won many positions in the K. M. T. and an anti-imperialist and anti-feudal revolutionary programme was set up.

Meanwhile Dr. Sun had died, and his successor, Chiang Kai-shek, a rightist military general, turned against the communists and revolutionaries. Large numbers of revolutionaries were expelled from the K. M. T., and all suspects were ordered to be shot. Borodin made a secret exit to Russia.

When Chiang Kai-shek was carrying on his ruthless methods a close alliance was being worked out between the peasants and workers and plans were being made for the establishment of a "democratic dictatorship". Fearing that nothing effective could be done without military force, Red armies were being established here and there.

From 1927 the lines were sharply drawn between the Nationalists (K. M. T.) and the Communists. Stress was laid on agrarian reforms and armed uprisings. The communists were bitterly persecuted and civil war raged in the country. But Mao Tse-tung managed to strengthen his forces and in 1931 became the chairman of the newly established Soviet Provisional Government.

Now came the Japanese attack on Manchuria. The abandonment of Mukden and the Jehol province by the K. M. T. in 1931 was a source of great help to the communists. While the Nationalists were busy fighting the Japanese, the communists organized a vigorous anti-K. M. T. campaign. The K. M. T. not being able to cope with the situation, there arose a demand for national unity in 1935. The two parties laid aside their differences and worked together for the defeat of the common enemy, Japan. But even during World War II, Chiang kept his crack troops in reserve to fight the communists when the war was over.

After the war, Chiang Kai-shek's party was discrediting itself more and more because of its nepotism and corruption. The agrarian needs of the people continued to be neglected. This gave the opportunity for the communists to push forward. Bit by bit they took over China and in 1949 drove Chiang and his followers to Formosa (also

known as Taiwan), from where with American aid, they have been continuing the fight with the communists from time to time. The New Chinese government has been recognized by the U. K., the U.S.S.R., and several Asian countries, including India. It has now been admitted to the United Nations. The U. S. A. is likely to be the last major country to recognize the new regime.

Mao's addition to Marxist-Leninist teachings:

1. The organization of Communist Russia has been closely followed in Communist China. Vigorous attacks have been levelled against feudalism, capitalism, and imperialism. But the most important change has been in the reorganization of the peasants. While Communist Russia had gone a long way in the collectivization of farms, in China it would appear that peasant proprietorship was the general order in the early days of the movement. No one was allowed to hold land if he could not cultivate it. This meant the virtual elimination of the middle class. Mao did much to distinguish the rural proletariat from the urban proletariat; and his communism was for some years at least largely made up of the former group. In recent years, however, China began to collectivize her farms through her communes.

2. Mao Tse-tung and his followers consider themselves to be the true Marxist-Leninists and regard the Soviet leaders as rightist deviationists. A few years ago Mao spoke of hundred flowers blooming and hundred schools of thought flourishing at the same time, but this was only a temporary lapse from his communist line of thinking. Chinese communists are rigid and unbending in their Marxist convictions. In the matter of world revolution, they are more Trotskyite than Leninist.

3. Mao keeps up the Hegelian-Marxist idea of inner contradictions in the realm of ideas as well as of institutions. Like Marx he believes that ideas develop out of matter. Speaking of post-war world situation, Mao recognizes that the world is divided into 'socialist' and 'capitalist' blocs. Both of them have their inner contradictions. The only difference, according to Mao, is that while the inner contradictions of capitalism can only be resolved through war and revolution, those of the socialist world will be resolved peacefully.

4. As is true of communism elsewhere, so in China rigorous methods have been followed in dealing with opposition and even

with those who may have honest difference of opinion. Yet Mao's genius has been to absorb rivals and not liquidate them, as was the case with Stalin. Not only peasants and the urban proletariat, but even the middle classes and the patriotic bourgeoisie have been allowed to join the party. In this way, the older idea of the hegemony of the proletariat has been modified in the direction of 'the collaboration of classes'. In his book, *A New Democracy* (1938) Mao argues for a new alliance based on the concept of "democratic dictatorship of the peoples against the reactionary remnants of feudal lords and traitor capitalists".

5. Although an outstanding military leader, Mao Tse-tung believes in the subordination of the military to the civilian. It is his determination to see that the communist movement does not become a 'plaything of ambitious generals', as was the case for years after the death of Dr. Sun Yat-sen.

6. At the time of writing, the relations between Chinese Communism and Russian Communism are not too cordial. Among the European Communist countries, Albania seems to be the only whole-hearted supporter of China, which regards itself as more truly Communist than Russia.

According to Chinese Communists Russia is compromising too much with the capitalist world.

LASKI'S CRITICISM OF MARXISM

In modern times the liberal democratic state has been challenged by the fascists on one extreme and by the Communists on the other. Laski's answer to the imperfections of the old capitalist democracy has been the adoption of a new socialist democracy. Both the socialist and Communist movements of the present day derive their inspiration from the writings of Karl Marx.¹ While the Communists regard themselves as the true followers of Marx, the socialists have sought to revise some of the important aspects of the Marxist theory and practice. Laski as a democratic socialist accepts the basic assumptions of Marxism but differs as regards its theoretical details and methodology.² He agrees that Marx was a great thinker and his social

1. In his first essay on Karl Marx, he underrated the value of his political philosophy, dismissing it as sheer propagandist literature. At this stage, Laski was deeply under the spell of Proudhonism.

2. In his subsequent pamphlet entitled 'Socialism and Freedom', Laski's approach towards Marxism is that of a Fabian, who accepts the social objectives of Marxism without agreeing to its methods.

philosophy has an important message for the civilization of our contemporary generation. As Laski says, "from whatever aspect it be regarded, the work of Karl Marx is an epoch in the history of social philosophy. It is easy to show that he was less original than he believed, and that his debts to his predecessors were greater than he was anxious to admit. The vital fact about him is that he found communism a chaos and left it a movement. Through him it acquired a philosophy and direction. Through him, also, it became an international organisation laying continuous emphasis upon the unified interest of the working-classes of all countries" (123 : 22). There is no doubt that Karl Marx has been the most important single influence in sharpening the world labour movement and in providing that movement with a coherent socialist ideology.

Rejection of the Utopian Approach by Marx:

Karl Marx, as Laski has recognized, was the first socialist thinker to realize the futility of formulating a *utopian* constitution of socialist society. He concentrated his attention mainly on charting the road which may lead towards the establishment of a socialist society. This involved the necessity of a detailed analysis of the working and growth of the capitalistic system. "Marx," says Laski, "wrote at once the epitaph of the new capitalism and the prophecy of its ultimate outcome. The first aspect of his work, both by reason of the materials he used and the theses he deduced from them, put the defenders of economic individualism finally upon the defensive; the second provided an inspiration to his followers which has increased in profundity as the years have gone by" (123 : 23). However, Laski does not entirely agree with the sociology and economic theory of Marx. "It may be true", he points out, "that Marxian economics is in no small degree self-contradictory and it is certainly true that much of the Marxian sociology bears the obvious stigmata of its special time" (123 : 23). It shows that he is not prepared to accept every aspect of the Marxian doctrine uncritically. He wants to examine and revise it in the light of his own observations.

Laski on Lenin's Strategy of Revolution:

Laski's attitude towards Communism is also reflected in his appreciation and criticism of the various aspects of the Russian Revolution. Lenin, as the architect of the Russian Revolution, applied the doctrine of Marx in practice and brought about the

transformation of the Russian society from capitalism to socialism. Laski is prepared to accept that the Leninist interpretation of Marxism might be valid for the particular conditions obtaining in Russia but he certainly denies its claim for a universal validity. The conditions which enabled the Bolsheviks to seize power in the Russian Revolution cannot be reproduced in other countries. Lenin himself said that insurrection is an art which should be practised with great caution. In these circumstances, Laski did not favour the adoption of revolutionary tactics by the socialists of Western Europe. While admitting the mistakes of the socialist parties of Western Europe, he did not like the introduction of Communist parties in the labour movement of those countries. He was also critical of the "terrorist" and dictatorial methods of the Russian Communists in consolidating the gains of the revolution. Laski's views about Communism may be conveniently divided into two parts for the sake of a proper study. In the first place, we may deal with his analysis and interpretation of the Marxist theory. Secondly, we must study his opinions and attitude towards the tactics and strategy of the Communist movement both before and after Marx.

Marxist Theory—Historical Materialism:

One of the most important elements of the Marxian doctrine is the materialist interpretation of history. Laski does not define his attitude regarding the philosophical position of Karl Marx as a materialist. As a pragmatist, Laski had no interest in the traditional controversy between the idealists and materialists about the nature of ultimate reality. Similarly, Laski has refused to comment upon the dialectical method of Marx which he probably regards as irrelevant to his social philosophy. He is only concerned with the materialist conception of history which appears to Laski a valuable contribution of Marx to contemporary social theory. Marx derived his materialist conception of history from his general philosophical position as a dialectical materialist. Laski takes no notice of this logical derivation. He is only interested in the Marxian interpretation of history as a formula for explaining social change.

He thinks that the materialist interpretation of history adequately explains the directions of social evolution. "The Marxian philosophy of history", he says, "is the insistence that the primary motive force in social change is the system of economic production which obtains at any given time. To its needs, all other forms of social effort will

adjust themselves, whether consciously or unconsciously. Law, religion, politics, philosophy, all these are born of the reaction upon the human mind of the methods by which men wrest from nature the necessary means of life" (123 : 26). This, in brief is Marx's conception of history.

Laski's View of the Materialist Conception of History:

What is Laski's verdict on the materialist conception of history? "In this simple form", he argues, "it is impossible not to regard the theory as in the main true... There is no department of human life in which the governing ideas and institutions will not be found, upon examination, to be largely a reflection of a given set of economic conditions" (123 : 77). But Laski agrees with the view of Bertrand Russell that the theory is valid only under certain limits. As he warns, "We must be careful, indeed, not to push the theory too far. There are particular sets of facts in which it is not helpful as an explanation; and there are others where the obvious requirements of an economic environment cannot be met through the pressure of non-economic factors" (123 : 79). It is, however, to be remembered in this connection that Marx himself recognized certain exceptions to the general rule" (123 : 83).

Criticism of the Theory of Class Struggle:

The second important element of the Marxian doctrine is the theory of class struggle. Marx declared in the Communist Manifesto, "The history of all hitherto existing society is the history of class struggles. Freeman and slave, patrician and plebian, lord and serf, guild-master and journeyman, in a word, oppressor and oppressed, stood in constant opposition to one another, carried on an uninterrupted, now hidden, now open fight, a fight that each time ended, either in a revolutionary reconstitution of society at large, or in the common ruin of the contending classes".

Laski agrees with the Marxian theory of class struggle as an explanation of social relations in their broad aspects. But he is not prepared to accept that the class antagonism must necessarily express themselves in violent contests for the seizure of the state power. The Communist regards the conflict between the classes as a definite war with an unlimited use of the war-like methods. Laski interprets the class antagonism as a clash of interests, which may or may not manifest itself in an armed conflict.

In the existing capitalistic system, the class conflict has developed between the capitalists and workers. The Communist thinks that the emancipation of the working-class from the yoke of the capitalist class can be brought about only by a successful armed uprising of the organised workers. There is no other road which may lead to the liberation of the proletariat from the economic and political subordination to the bourgeoisie. It is here that Laski adds his footnote of dissent.

Criticism of the Theory of Surplus Value :

The most serious criticism that Laski advances against the Marxian doctrine is directed against its economic assumptions. Marx reinterpreted the classical labour theory of value in such a way as to prove the injustice of the distributive process in a capitalist society. He defined the profit of the capitalist as the surplus value extracted by him from the labourer, whom he does not pay the full price of his labour in the form of his wages. Laski does not agree that the labour theory of value is a correct explanation of the determination of prices. He points out, for instance, that competition between different capitalists also influences the prices of commodities and is a factor in the determination of the rate of profit. "It does not mean", says Laski, "that labour is not an essential element in price; but it does mean that other factors must be taken into account" (123 : 97). The theory of surplus value which has been derived from his labour theory of value is also untrue to the same extent.

Ethical Aspect of the Theory of Surplus Value :

Even though the Marxian theory of surplus value be inadequate from the point of view of an economist, yet Laski is quite in agreement with the ethical purpose of the theory. Marx wanted to explain the parasitical character of the capitalist class and also the extent of exploitation of the common people that is being carried on under the capitalistic regime. In this endeavour he has brilliantly succeeded. Besides this, the theory of surplus value even if it be partially valid illustrated how the class conflict is going on in capitalist society. Laski says that the broad features of the Marxian analysis of capitalist society are correct despite the fallacious theory of value. Marx is right when he insists that the exclusion of the workers from the control and ownership of the instruments of production is bound to result in an unjust system of distribution. He is also right when

he asserts that the capitalist system cannot avoid periodical crises in the form of depressions.

These depressions are caused by a steady decrease of the purchasing-power of the masses resulting in an artificial crisis of overproduction. The depressions bring about the insolvency of the banks, the suspension of business, the forced closure of factories, large-scale unemployment of the workers and an intensification of the class struggle of the workers against the capitalists. Marx was also justified in pointing out that capitalism has led to imperialist wars by its need for the control of foreign markets, the supply of raw materials and the regulation of tariff policies. By pointing out these contradictions of capitalism, Marx showed that capitalism was a disintegrating force in the modern society, Laski admits that these conclusions of Marx have been verified by contemporary experience.

Laski's Views on Marxian Theory of State :

Lastly, the Marxian theory of the state is a logical development of his interpretation of history on an economic basis. The state in history has been an instrument of the ruling class for oppressing and dominating the rest of the community. Laski agrees with Marx in this analysis of the historical states. "That there is a bias in state operations", says Laski, "will be denied by no one who scrutinises the historical evidence. The Greek city-state was biased against the slave. The Roman empire was biased against the slave and the poor. States in the medieval world were biased in favour of the owners of landed property. Since the industrial Revolution the state has been biased in favour of the owners of the instruments of production as against those who have nothing but their labour power to sell" (50 : 104).

The Marxian View of the Capitalist State :

This shows that Laski has adopted the Marxian view of the pre-capitalist and capitalist states as his own. The Marxian view of the capitalist state is that it is essentially an executive committee of the capitalist class despite the fact that it may externally assume several forms from an absolute monarchy to a democratic republic and back again to a fascist dictatorship. The pre-Soviet autocracy of Russia, the constitutional monarchy of England, the democratic republics of France and America, and the fascist states of Italy and Germany embodied the same class essence despite important differences in their

internal organization. They were all designed or have been designed to protect and promote the interests of the capitalists and to perpetuate the slavery and exploitation of the workers.

The Marxian View of Liberal Democracy :

Laski has also largely accepted the Marxian view of the functioning of liberal democracy. The representative institutions of the liberal democratic state do not provide any opportunity for a real overthrow of the capitalist system by constitutional means alone. Laski agrees with Marx that it is difficult to achieve socialism by peaceful methods, yet he is not prepared to admit the inevitability of an armed conflict. He differs from Marx in believing that constitutional methods are worth giving a fair trial before we jump to the rash conclusion that revolutionary violence is indispensable for the emancipation of the proletariat. Laski accepts a greater part of the Communist criticism of the liberal state and yet he is not prepared to concede the Communist alternative of a dictatorship of the proletariat in place of the institutions of liberal democracy.

Laski's Verdict on the Communist Theory of State :

His own alternative is the introduction of socialism by gradual means through the agency of a parliamentary socialist party. As a final summary of Laski's view about the Communist theory of the state, it is necessary to quote the following passage from his essay on "Communism". "The first comment one is tempted to make upon Communism as a theory of the State is that, like most philosophies, it is strong in what it affirms, and weak in what it denies. Obviously enough, its criticism of the assumptions of the classical theory of the State is, in part at least, well-founded; the margin between the ideal and the real is a large one. It is, moreover, true that no ruling class in history has so far surrendered its privileges, or utilised its authority for the common good, without a struggle. Men cling to power even after the grounds which make its tenure intelligible have passed away; and there is a real basis for the assumption that the holders of power in a capitalist state are no exception to the rule. And, not less certainly, there is substance in the communist criticism of formal democracy; the mere conference of universal suffrage and the creation of representative institutions will not, of themselves, secure the kind of State which adequately safeguards the claims of men upon the common good" (123 : 166).

Laski's Opposition to Violent Revolution :

Laski argues that Marx may be right in pointing out the imperfections of the existing economic structure of society but he is certainly not correct when he affirms that these imperfections can be removed only through a catastrophic change brought about by a violent revolution. The classless, ideal society will not emerge out of revolutionary chaos and revolutions cannot be stage-managed in accordance with certain preconceived principles. In the course of revolutionary effort, the original purpose of the revolution gets distorted and so the final outcome rarely corresponds the vision of the prophet.

Criticism of the Tactics and Strategy of Communism :

The latter part of Laski's argument involves a criticism of the tactics and strategy of Communism. Besides, it shows his disbelief in the "prophetic" aspects of the Marxian theory. Marx predicted that the state will gradually wither away after the abolition of classes from society and the achievement of Communism. Laski thinks that the transitional dictatorship of the proletariat will become a permanent rule of the Communist Party and Communist rulers like all ruling classes of the past will not abdicate from power voluntarily. The Communist answer to this criticism would be that the Communist Party is not an economic class with its own vested interests which may be opposed to the general interest of the community.

Communist Practice -- Revolution and Dictatorship :

While Laski accepts a larger part of the Marxian interpretation of history and his analysis of the nature of society and the state, he emphatically disapproves the strategy and tactics of the Communists for capturing the state power and subsequently using it in a dictatorial way. Marx and Lenin believed that a violent revolution is the only way by which the downfall of capitalism can be brought about. The task of the Communists is to prepare the ground for such a revolution. Even in a democratic republic, the Communists think that they cannot seize the state power by an electoral victory. Even if they secure an electoral victory, the capitalists will not permit them to direct the state machinery because in no case they will be prepared to part with their privileges peacefully.

The Communists recognize the fact that a democratic republic with universal suffrage is, among the various forms of bourgeois states, most suitable for organising the movement and struggles of the work-

ing-class. It provides an opportunity for organising the workers into trade unions and a mass political party of the proletariat. But the formation of a political party of the workers does not guarantee that it will be able to capture the power of the state by constitutional means alone. Historically, force has been an indispensable condition of every successful change in the class structure of a community. The capitalist state itself was born out of fierce internecine struggle of the contending classes in which the capitalists were victorious over their feudal masters. The history of the failure of the Paris Commune of 1871 and the success of the Russian Revolution of 1917 equally show the necessity of the exercise of superior force by the proletariat in its struggle with the enemy.

Laski's Argument Against Insurrection in a Modern State :

The argument of the inevitability of a violent revolution for the overthrow of the capitalist class does not appeal to Laski for various reasons. In the first place, he thinks that it is not possible to organise an insurrection in a modern capitalist state. An insurrection can be successful only when the army and navy are won over to the cause of the working-class. This task is almost impossible in conditions of international peace. The Russian working-class was able to win the support of the Russian army because of the Russian defeats on the battle-field in the war against Germany. This situation cannot artificially be reproduced in other countries for the purpose of "engineering" a proletarian revolution.

Unsuccessful Insurrection Leads to Fascism : Laski

Moreover, he argues that the working class attempts of an insurrection, which is not successful, may lead to the establishment of fascism (131 : 90). Fascism means an oppressive dictatorship of the capitalist class, which destroys democratic liberties and suppresses all working class organizations in a ruthless way. The trade unions and the working class political parties are thoroughly suppressed by the iron hand of the fascist dictatorship. Finally, Laski is opposed to insurrectionary methods because they may easily lead to an end of civilized life and bring about anarchy instead of a dictatorship of the proletariat. To employ a phrase used by Marx, it may as well lead to "the common ruin of the contending classes". A perpetual class war waged with the modern weapons may be a total catastrophe for human civilization. It may as well restore the conditions of medieval

barbarism instead of opening the gates of socialist millenium. Laski, therefore, opposes the employment of insurrectionary methods by the working class in a liberal democracy. The progress towards socialism may be slow but it should be steady. The constitutional means do not guarantee an effective march towards socialism but they, at least, preclude the pitfalls involved in the insurrectionary method.

The Communist Party as Revolutionary Vanguard :

The Communists believe that a proletarian state would necessarily be a dictatorship of the workers in alliance with other exploited sections of the society over the capitalists and other exploiting classes (104: 101-127). The Communist party as the revolutionary vanguard of the proletariat will exercise effective political power in a proletarian state on behalf of the exploited masses. The Parliamentary institutions of the liberal state have no place in the Communist scheme of political reorganization. The example of the Russian Revolution shows that the Communists show a greater preference to association of the workers with the apparatus of the state than to the technicalities of the universal adult suffrage. They believe in indirect elections or plebiscites with no real choice of candidates. The Chinese Communists have adopted similar principles in their constitution.

Proletarian Dictatorship and Socialist Transformation :

The primary purpose of the proletarian dictatorship is to suppress the capitalist and precapitalist methods and relations of production and bring about a socialist transformation of the society and economy. Another important function of the proletarian state is to thwart the counter-revolutionary efforts of the former exploiting classes by reorganising the army, the police, the administration, and the courts on popular and revolutionary basis so that they can properly defend the gains of the socialist revolution (131 : 46). The Communist state will not permit any opposition party because the only function of such an opposition party will be to work for the restoration of capitalism. In Soviet Russia, the only legal party is the Communist Party. In China and Eastern Europe, there are other political parties besides the Communist Party but they must accept the leadership of the Communist Party in a national front. These parties are merely junior partners in a fellowship of parties, where the seniority of the

Communist Party is unquestioned. Therefore, these parties can in no case be considered as opposition parties.

Marx and Lenin on Withering Away of the State :

But the dictatorship of the proletariat is not a permanent feature of the Communist scheme of things. Ultimately, the state will become redundant with the abolition of classes in the community. Marx said that the proletarian state will wither away with the achievement of communism. Lenin developed this theory further and said that the state cannot wither away in a single socialist country like Russia so long as other capitalist states exist in the world surrounding and threatening the security of Soviet frontiers from all sides. The Communist practice, therefore, assumes that the transitional phase of the proletarian dictatorship will continue till the triumph of the socialist revolution in the major countries of the world.

Laski's Criticism of the Communist Theory of Dictatorship :

Laski is opposed to the entire theory and practice of the proletarian dictatorship. It is a natural corollary of his criticism of the insurrectionary method. The dictatorship of the proletariat, he feels, is in reality a dictatorship of the Communist Party.¹ The Communist Party, Laski argues, controls the state machine by its monopoly of elections, by its control of the channels of public opinion, by its supervision of education, art and science, and, finally, by its management of the entire apparatus of the national economy. The centralized discipline of the party, he alleges, enables a small "bureaucratic caucus" to monopolize all power in the state. Any breach of party discipline, any slackness in an official of the government or industry, and any criticism of the Communist doctrine is considered an act of treason to the state. The state in this context means the small bureaucratic caucus of the Communist Party (127 : 161). This, according to Laski, explains the periodical purges and execution of even prominent national leaders in Communist countries and the concentration of a large number of political offenders in the corrective labour camps provided they escape

1. Laski : "Reflections on the Revolution of Our Time", Chapter 11, p. 57. As he says, "The dictatorship of the proletariat, in fact, became necessarily the dictatorship of the Communist Party; for every serious purpose, the party has been identical with the apparatus of the State".

execution in the first instance. Such methods of the Communist dictatorship, as Laski says, are hardly in consonance with the announced purposes of communism which include the creation of a new society based on the principles of social justice and brotherhood. "It is a common place of history," says Laski, "that power is poisonous to those who exercise it; there is no special reason to assume that the Communist dictator will in this respect be different from other men. Indeed no group of men who exercise despotic authority can ever retain the habit of democratic responsibility" (123 : 174). This shows the undesirability of dictatorship as a form of government.

Communist Dictatorship Incapable of Voluntary Abdication :

Moreover, the Communist defence that the proletarian dictatorship will be necessary only during the transitional period between capitalism and communism does not convince Laski in any manner. He thinks that communist dictatorship will not part with its power on its own initiative and allow the state to wither away. "To sit continuously in the seat of office," says Laski, "is inevitably to become separated from the minds and wants of those over whom you govern. For any governing class acquires an interest of its own, a desire for permanence of power, a wish to retain the dignity and importance of its functions; and it will make an effort to retain them. That, after all, is only to insist that the exercise of power as such breeds similar habits in its operators. The corollary of dictatorship appears to be that which follows from all other systems that it is incapable of voluntary abdication" (123 : 175).

Thus Laski thinks that force will be necessary to "dethrone" a Communist dictatorship. Otherwise, it will perpetuate its authority for a very long period in history. In his criticism of this aspect of the Communist practice, Laski shows the undeviating faith of a Liberal, who is not prepared to exchange the gains of individual liberty with those of economic security and social justice.

International Strategy of Communism :

Lastly, we must consider the international strategy of the Communist movement in view of the fact that it is movement with an international objective. This objective is the achievement of proletarian revolutions in all countries and the creation of an international Socialist Commonwealth. Marx thought that proletarian revolutions will first occur in industrially advanced countries. Lenin, however,

pointed out that in the existing imperialistic phase of capitalism, and the chain of world capitalism may be broken in any country. The present international strategy of Communism assumes two forms. In the first place, it is a struggle of the working-class of every country against its own capitalist rulers. Secondly, it is a struggle of every colonial and semi-colonial people against its imperialist exploiters.

The Communist International and World Revolution :

Besides this, the world strategy of the Communists must include the problem of defending and consolidating the socialist part of the world against any attack or interference by the capitalist states. After the victory of the Communists in the Russian Revolution, a Third International was created to spread and coordinate the Communist movement in different countries. The Communist parties of various countries were affiliated to the Third International with its headquarters at Moscow. The Russian Communists naturally played the leading role in formulating the strategy and tactics of the Communist parties outside Russia and this was interpreted by the opponents of the movement as an unwarranted interference by a foreign state in the domestic affairs of the capitalist countries.

Laski's Opposition to Communist Strategy and Tactics :

As member of the British Labour party, Laski stood in consistent opposition to the strategy of world communism and the Communist movement inside his own country. In the first place, he argued that there was too much Russian domination over the national Communist parties, which almost converted them into instruments of the Russian foreign policy. Secondly, the emergence of the Communist parties disrupted the unity of the working-class by dividing it into two warring factions. The foreign affiliations of the Communist parties, says Laski, prevented them from seeking sincere cooperation with the socialist parties despite their opportunistic tactics of the united front. The insurrectionary tactics of the communists in certain countries and the division which they created in the ranks of the working-class facilitated the rise and victory of fascism in those countries.

United Front of Socialist Parties Against Fascism :

However, the ever increasing menace of fascism, which suppressed the Communist and socialist parties with equal ruthlessness, enabled the Communists and socialists to forget their ideological differences

and enter into popular fronts against fascism. Laski welcomed this achievement of unity between the two working class parties for resisting the common danger of fascism.

Unfortunately, the Nazi-Soviet non-aggression pact ended the brief period of cooperation between the socialist and Communist parties of the West European countries. Laski here unjustly accuses the Soviet foreign policy and the Communist advocacy of peace as the appeasement of Hitler forgetting the fact that rejection of the Soviet plan of collective security by England and France and their policy of appeasing Hitler by concluding the Munich Pact had left no alternative for Soviet Russia but to ensure its defence by concluding a non-aggression treaty with Germany.¹

During the war of resistance against Hitler, the European socialists and Communists acted as the most resolute fighters against fascism. This unity of the two working-class parties could not continue during the post-war period when the rightwing European socialists chose the side of America in its struggle against world communism.² Laski died before he could see the consequences of this new development and nobody can exactly say what would have been his reaction to it if he had lived longer. Most probably, he would have supported a policy of neutrality in the cold war between Russian Communism and American capitalism.

1. Laski, however, gives a more pro-Soviet interpretation of the Nazi-Soviet Pact of 1939 in his "Dilemma of Our Times", p. 166.

2. For Laski's criticism of the pro-American foreign policy of the Labour Government, see his "Dilemma of Our Times", Chapter II, pp. 44-51.

SOCIALISM AFTER MARX

I. GERMAN SOCIAL DEMOCRACY

After Marx's death, his teaching bifurcated into the evolutionary and revolutionary forms. The evolutionary form in Germany and the Continent on the whole was represented by the Social Democratic Party which lacked the fire and vigour of Marxism. The programme of the Social Democratic Party of Germany was a mild one. As outlined by Hallowell, it meant

- (a) universal, direct, and equal suffrage,
- (b) representation according to population,
- (c) direct legislation by the people through the right of initiative and referendum,
- (d) popular militia in the place of standing armies,
- (e) popular referenda on the declaration of war,
- (f) abolition of the use of public funds for religious purposes,
- (g) secularization of schools,
- (h) popular election of judges with free legal counsel,
- (i) abolition of capital punishment,
- (j) free medical attendance,
- (k) progressive income taxes,
- (l) eight-hour work day,
- (m) prohibition of night work and child labour and the establishment of a system of social insurance.

This mild programme became even milder after 1925.

Karl Kautsky. (1854-1938) was a principal spokesman of the Social Democratic Party after World War I. He ranged himself on the other side of Lenin and the Russian revolution. He upheld Marxist teachings as being sound in principle. He believed that revolution was the ultimate means for realizing the socialist goal, but thought that the end could be realized with minimum violence. In the words of Hallowell, he looked with favour upon the growth of the trade union movement, the extension of co-operatives, participation

in parliament, and legislation designed to ameliorate the worker's condition. These reforms, he said, were not socialism itself, although they prepared the way for it.

The *Revisionists* of this period were in favour of a doctrine of gradualness and socialism "by evolution". Kautsky claimed that he was not a Revisionist. This was true only in theory. In practice he was very near to being one. He supported democracy and democratic methods and seemed to argue that democracy was more important than socialism. He opposed both rightist and leftist deviations. According to Hallowell, he read Marx to mean the controlling of government by the proletariat through universal suffrage. He opposed Bolshevism as being a minority government, representing rule by force. In his book *The Proletarian Revolution and Kautsky, the Renegade*, Lenin attacks Kautsky mercilessly. Kautsky laid the foundation for the activities of the Social Democratic Party. The Communists were opposed to this party all through the days of the Weimar Republic. It was a weak-kneed party and it is on the backs of such weak parties that Hitler and Nazism rose to power. The same weakness in Italy accounted for the rise of Mussolini and the fascist party.

. SYNDICALISM

Syndicalism is essentially a French school of thought and is the offspring of the French labour movement. Its important intellectual leader was Georges Sorel (1847-1922). It was popularized by the French Confederation Generale du Travail (C. G. T.), the General Federation of Labour. It repudiates Marx's political programme, but retains his revolutionary doctrine of violence. In this respect, it is a child of anarchism and Marxism. The word 'syndicalism' is derived from the French word *syndicat* which means trade union. In some respects, it is a reaction to the French revolutionary ideals of "liberty, equality, and fraternity." The working man in France found that the great Revolution had brought him little liberty of action. The commercial and manufacturing classes took control of the reins of government and denied to the working classes the usual economic and political devices for bettering their lot. Even the legitimate trade union weapons were not allowed to them. The French law hampered the activities of trade unions. This meant that when the French working man became strong he dissolved both trade unionism and political socialism and looked for his salvation in more radical direc-

tions, such as unrelenting class war, general strike, sabotage, and "go slow" methods. His aim was to weld the working classes of the world together and wean them away from national patriotism.

Definitions of Syndicalism. C. E. M. Joad writes: "Syndicalism may be defined as that form of social theory which regards the Trade Union Organizations as at once the foundation of the new society and the instrument whereby it is to be brought into being." F. W. Coker says: "Syndicalism, loosely defined, holds that the workers alone must control the conditions under which they work and live; the social changes they need can be achieved only by their own efforts, by direct action in their own associations, and through means suited to their peculiar needs" (93 : 229). According to Laidler, syndicalism places "positive emphasis on the trade and industrial union movement as the basis of the new industrial structure, on the producer rather than the consumer as the controlling factor in industry, and on the general strike and other forms of 'direct action' as the means of social transformation, with its negative emphasis on the need for abolishing the political state and on the impotency of political action as a means of working class emancipation." G. E. Hoover, writing in the *Twentieth Century Political Thought*, says, "As now employed, it (syndicalism) means the theories and programmes of those revolutionists who would utilize the economic power of industrial unions to destroy capitalism and organize a socialist society."

Teachings of Syndicalism. From the above definitions, the teachings of syndicalism can be clearly delineated.

(1) Syndicalism is unalterably opposed to the State and looks upon it as a bourgeois and middle class institution. Whatever its form may be, the State is an instrument of capitalist exploitation. All states are instruments of class rule. Thus workers cannot succeed unless they destroy the power of the State. Reforms and concessions conceded by the State are mere palliatives. They hide from the worker the real facts of inequality and of class distinction. Therefore, even the democratic State cannot bring about harmony, and state power needs to be broken.

Service of the State as government workers, makes men bureaucratic and unsympathetic to the needs and aspirations of the workers. Furthermore, State action means dead uniformity and routine, and there is no place for imagination. No attention is paid to local needs or for bringing out of individual enterprise.

(2) The syndicalist regards trade unions organized on a functional

basis as the cornerstone of future society. A system of producers' societies is to take the place of the State. Under the present system the vote, exercised once in five years or so at the time of the general election, is of no value. Under syndicalism, it is claimed that the worker will take a personal interest in his work and that both the quantity and quality of goods produced will improve. The ideal of the syndicalist is 'free work in free society'. His belief is that when the workshop is free, society would be free.

(3) As pointed out by Hallowell, all of this means that class struggle is given the central, if not exclusive, importance. Syndicalism seeks to promote class solidarity. There is to be no collaboration with other political parties, and labour is to have no country of its own. In the words of Hallowell, syndicalism regards itself as a trade union reading of the Marxian economic doctrine and the class war.

Methods of Syndicalism. Syndicalists differ from Marxists in believing that the time is not far off when the proletariat would rise in revolt against the possessing classes. Marx, they believe, was unduly optimistic in believing that employers would fight the workers and thereby bring about their own self-destruction. What they would do is to make compromises and bargains. Therefore, the only way to deal with them is to carry on a perpetual offence against them through strikes, sabotage, destruction of machinery, boycott, label, and 'go slow' methods.

Syndicalists are ardent believers in direct action. They are distrustful of political methods. Direct action, it is claimed, is the only means of educating the worker and of preparing him for the final struggle. In this struggle there is no place for intermediaries. The methods pursued may be violent, but not always so. The general strike is the chief weapon. It is not to be confused with ordinary strikes, political strikes or sympathetic strikes. It comes about after the workers have been well-trained in a series of particular strikes. The general strike is a final and mighty weapon which would paralyse the state and make the wage-earners the masters of society.

Syndicalists are unscrupulous in the methods they advocate for the realization of their ends. They advocate in particular the doing of bad work, the breaking of machinery, spoiling work and 'Ca canny' methods which consist in sleeping over one's job or doing it with such minuteness as to waste time.

The boycott of goods produced by non-union labour and the placing of the union label produced by the syndicates themselves are

some of the other methods advocated by the syndicalists. All of this is in preparation for the general strike which may fail today, but "today's failure is a preparation for tomorrow's success" (119 : 292).

The Structure of Society under Syndicalism. The syndicalist plan of action is direct, vigorous, and well-defined. But the state of society under it is extremely nebulous. Syndicalism is mainly a creed of opposition. It is negative. As one writer puts it: "It offers primarily a policy of revolution and not of administration." Under syndicalism, the syndicate is to be the basis of industrial organization. Workers assume control of production and private capital is to be replaced by collective capital. National services like highways, railways and post offices are to be placed in the hands of the National Federation of Workers. Prisons and courts are to be abolished, and punishment is to take the form of social boycott.

In short, the syndicalist aims at a stateless society. This implies that the means of production would be owned by society and syndicates would regulate and control production.

Syndicalism and Socialism. While most socialists want to retain the State and make the maximum use of it, the syndicalists want to abolish it altogether. Socialism generally takes into account the welfare of both producers and consumers. Syndicalism, on the other hand, is only interested in promoting the interest of the producers. In this respect it is an antithesis of socialism. Furthermore, socialism generally believes in constitutional methods whereas syndicalism is a creed of violence, revolution, and direct action.

Criticism of Syndicalism. Syndicalism made little headway outside France and Italy because of its intrinsic weakness. It overstates its tactics and is deliberately vague in its objectives. It is "too doctrinaire, too extreme and too logical" to appeal to those who believe in natural compromises in a world of practical politics. It antagonizes the consumers by paying too much attention "to the rights and responsibilities of producers and too little to those of consumers" (119 : 310). General strike is only a myth. It is nothing more than "organized anarchy". Once direct action is resorted to, nobody knows where it will end. It is, therefore, wise to adhere to well-tried constitutional methods. Violence is always irksome to the saner elements in the population. Hallowell writes, "The kinship between Syndicalism and Fascism is a close one and it is no accident that Mussolini was an avid reader of the works of Sorel."

3. FABIAN SOCIALISM

Fabianism. It is the product of British intellectuals and differs sharply from Marxism in that its methods are flexible and in that it believes in attaining socialism by the slow process of persuasion.

The word 'Fabianism' is derived from the name of the Roman general, Fabius Cunctator, who waited patiently for the opportunity of striking hard at his opponent, Hannibal, when the opportune time came for the attack. H. G. Wells, himself a Fabian, has remarked that Fabius never struck hard.

The Fabian society saw the light of day on January 4, 1884 and adopted the following as its convenient motto: "For the right moment you must wait, as Fabius did, most patiently, when warring against Hannibal, though many censured his delays; but when the time comes you must strike hard, as Fabius did, or your waiting will be in vain and fruitless" (155 : 32).

The basis of Fabianism was hammered out in 1887 and was restated in 1919 with slight modifications. The latter statement reads as follows:

"It therefore aims at the reorganization of society by the emancipation of land and industrial capital from individual ownership, and the vesting of them in the community for the general benefit. In this way only can the natural and acquired advantages of the country be equitably shared by the whole people.

The society accordingly works for the extinction of private property in land, with equitable consideration of established expectations, and the provision as to the tenure of the home and the homestead, for the transfer to the community, by constitutional methods, of all such industries as can be conducted socially; and for the establishment, as the governing consideration, in the regulation of production, distribution and service, of the common good instead of private profit" (155 : 239).

This means, says Laidler, (120 : 184) that Fabianism (1) regards the transition from capitalism to socialism as a gradual process; (2) it looks forward to the socialization of industry by the peaceful economic and political agencies already at hand; (3) it sees in the middle class a group that can be utilized in developing the technique of administration on behalf of the new social order; and (4) it feels that an important step in the attainment of socialism is the rousing of the social conscience of the community in favour of the socialist ideal.

Unlike syndicalism, Fabianism believes in attaining its end through parliamentary government. It advocates a peaceful revolution. Land, industry, and financial institutions are to pass from private ownership to the State by peaceful methods. In the words of Hallowell, Fabian Socialism aims "at the reorganization of society by the emancipation of land and industrial capital from individual and class ownership and the vesting of them in the community for the general benefit". There is to be no private property in land, and no rent. Industrial capital is to be transferred to society as conveniently as it can utilize it.

The chief exponents of this type of socialism have been Sidney and Beatrice Webb, Graham Wallas, Annie Besant, E. R. Pease, H. G. Wells, G. B. Shaw, and G. D. H. Cole. Their chief method of approach has been through the publication of numerous pamphlets and essays addressed to the intelligence and social conscience of people. The Fabian essays were edited by G. B. Shaw and delivered as lectures in 1888. Sidney Webb, writes Hallowell, envisaged the emergence of a socialist society as the result of democratic, gradual, peaceful, and constitutional means. A significant phrase which we owe to the Fabians is "the inevitability of socialism".

Difference between Marxism and Fabianism. Whereas Marxism rests largely on the labour theory and class struggle, Fabianism rests on the extension of the theory of rent and the growth of the social conscience of the nation. Marxism is revolutionary, whereas Fabianism is evolutionary.

Defections in Fabian ranks. Fabians have never been large in numbers. Fabianism has been confined mostly to the intellectuals. Even at the height of its popularity in 1943, it had only 3,600 members. During the numerous controversies of the twenties several younger intellectuals left the movement and joined guild socialism. The Webbs turned their sympathies towards the Russian experiment and wrote a monumental work called 'Soviet Communism—a New Civilization'. Cole restated Fabianism in 1942 as follows :

"We believe there is need, somewhere in the socialist movement, for a body which is entirely free to think out and to give publicity to new ideas, even when they run counter to socialist orthodoxies inherited from the past. (Socialism is not a set of fixed dogmas, always ready to be applied irrespective of time and space.)" Cole goes on to say, "The Fabian society is organized for thought and discussion and not for electoral action which it leaves to other

bodies..... Fabians should specialize in their chosen task of writing and research. But now that no one is doing this wider job (the socialist propaganda within the party) Fabian tract-making and research.....are unable to make their needed impact on the party as a whole.....'The Fabians will have to go out and preach socialism far and wide, if no one else will.' (95 : 164)

Applicability of Fabianism to India. Because of India's attachment to non-violence, Fabianism, together with the programme of the British Labour party, to which it gave rise, is more in keeping with Indian temperament and needs than any other form of socialism. We want the transition from the capitalistic to the socialistic society to be effected by peaceful methods. As we gain in knowledge, experience and character, the public sector will more and more replace the private sector, and all means of production will be owned by the community. Violence and social justice have nothing in common.

The British Labour Party. Starting from very humble beginnings, it has reached great heights within the last fifty years, holding office four times in 1924, 1929-31, 1945-51 and 1964-70. During the first two periods, not having an absolute majority, it had to depend on the mercy and goodwill of the other parties. But during 1945-51 and 1964-70, it was not only in office, but also in power and brought about a great many changes in the socialistic direction as well as in loosening the knots of British imperialism and in transforming it into a democratic commonwealth.

From the beginning the strength of the Labour Party has been in its Trade Unions and in the moderate policy which it has followed. As early as 1889, a Scottish Labour Party was founded by Keir Hardie, a Scottish coal-miner. He founded with others in 1893 an Independent Labour Party, one of whose early members was Mr. Ramsay Macdonald who became the first Labour Prime Minister in 1924. He was again Prime Minister during 1929-31, but after that he deserted the Labour Party.

The Parliamentary Committee of the Trade Union Conference was named the British Labour Party in 1906. It is a federation of labour groups rather than a party of individuals. It is after 1906 that the British Labour Party had a real start. In that year it forced through the Trades Disputes Act in Parliament. This Act extended to the working classes the right to picket and ruled out collective fines for damages. Because of its minority position, the

Labour group in Parliament could not push through other reforms. But it gave its support to the Liberal Party in its advocacy of the Irish Home Rule Bill, the Suffrage Bill, and the Welsh Disestablishment Bills.

Prior to World War I, though looking in the direction of socialism, the Labour Party did not definitely commit itself to the socialist position. In 1918 it adopted the programme of *Labour and the New Social Order* based on four fundamental points :

- (1) The universal enforcement of a national minimum.
- (2) The democratic control of industry.
- (3) Revolution in National Finance.
- (4) Surplus wealth for the common good.

In 1929 the party issued another manifesto known as *Labour and the Nation* which committed the party to the socialization of coal, land, transport, and life insurance as well as to the nationalization of the Bank of England. In 1929 the party won 288 seats, but that was 20 less than a majority. Therefore, it had to depend on the Liberal Party to keep itself in office for two years. Because of its minority position, it could not introduce much legislation of a socialistic character.

After Macdonald and Snowden crossed the floor to the Conservative Party, there was nothing for Labour to do except to form His Majesty's Opposition. In the early years of World War II, in 1940, the party issued its programme known as *Labour, the War and Peace*. In the same year it entered into a coalition with Churchill and remained in office as a junior partner until Germany was destroyed. In the general election of July 1945, contrary to the expectations of everyone, Labour was elected by a comfortable majority and was able to push through some of its programmes.

In the 1942 Congress the party had urged :

"The socialization of the basic industries and services of the country, and the planning of production for community consumption as the only lasting foundation for a just and prosperous economic order in which political democracy and personal liberty can be combined with a reasonable standard for all citizens".

The accomplishments of the Labour Party after it came into power in 1945 under Clement Attlee are the nationalization of the coal and steel industries, the nationalization of the Bank of England, of civil aviation, power-transmission, telecommunication, railways and road transport, London transport, waterways and gas. Subsidies also have

been given for bread and milk. Progress has been made with housing schemes and provision for old-age pensions. Twenty per cent of the national economy has been brought under public control. Provision of National Health Service is one of the greatest accomplishments of the Labour Party.

It was during the days of Labour ascendancy that India, Pakistan, Burma, and Ceylon gained their independence.

For some time when Labour went out of office there arose an acute controversy between the Rightists and Leftists within the party. The latter who formed the minority, were led by Mr. Aneurin Bevan until his death. The acknowledged leader of the Labour Party then was Mr. Hugh Gaitskell. The Conservatives who succeeded tried to undo some of the work of Labour. Steel was de-nationalized but the Labour Government renationalised it after coming to power in 1964.

British Labour recognizes both manual and brain workers. It conceives reconstruction in socialist terms on the basis of democracy and justice. It rejects dictatorship of both Right and Left. Members of the party call their policy and programme "revolution by consent". There is a conflict between "liberalism" and "totalitarianism". It is believed by some that a number of high-handed steps may have to be taken in order to attain socialism.

4. GUILD SOCIALISM

Guild Socialism. This has been a fashion in radical thought for a while in England. Rockow describes it as "the intellectual child of English Fabianism and French Syndicalism". (157 : 150) Hallowell, who is more hard on it, writes: "Guild socialism was and remains a kind of anaemic version of French syndicalism". In origin it is a purely English theory. Some describe it as a halfway house between syndicalism and collectivism. It does not agree with syndicalism in wanting to abolish the State by direct action. Nor does it want the State to control all of industry, as does collectivism. It adopts a middle course. It wants to establish guilds of producers and guilds of consumers within the framework of the State. A guild is defined as "a self-governing association of mutually dependent people organized for a responsible discharge of a particular function of society".

The chief advocates of guild socialism are A. J. Penty, who was practically its founder. A. R. Orage, the editor of the *New Age*, S. G.

Hobson, the veteran of the movement, and G. D. H. Cole, its most effective and prolific thinker and popularizer.

Influences which have brought about Guild Socialism are :

(1) The socialist attack on the wage system and the profit-making of the capitalist.

(2) The influence of such literary men as John Ruskin, Thomas Carlyle, and William Morris, all of whom waged a campaign against the monotony of mass production.

(3) The French syndicalist movement with its bias against the State.

(4) The influence of the famous Churchman, Figgis, who exploded the myth of state sovereignty and described political authority as "an association, not a lordship".

(5) Functionalism, according to which property should be functional and its control should pass out of the hands of functionless owners to those of workers.

Programme of Guild Socialism. Its two main items are (i) the abolition of the wage system and (ii) "the establishment of self-government in industry through a system of national guilds working in conjunction with the democratic organizations in the community" (41 : 75).

The guildsmen support the Marxian theme that the wage system should be abolished. It is bad morally, psychologically, economically, and aesthetically. It produces a slave mentality and curbs the creative instinct of the labourer. A person, says the guildsman, should be paid as a human being, and not as a mere contributor of so much labour power. Society should pay him when employed as well as when unemployed, in health as well as in sickness. Besides, the organization of production is to be controlled in conjunction with workers.

Joad calls guild socialism functional democracy. Industry is to be controlled by both brain and manual workers. Power and responsibility in society are to be proportionate to the functions performed.

Functional Representation. It is the key phrase of guild socialism. It is argued that no one person can represent another. Guildsmen believe that "although a man cannot represent his neighbour, he can represent a group of purposes which his neighbours have in common". This is possible through 'functional representation'. Such representation is to be on a local as well as a national basis. National affairs such as taxation, defence, and education would be represented by a

national body, while local bodies would look after such matters as gas, electricity, and the police force.

Elected factory committees would decide questions of wages, hours of work, and amount of output. Consumers' councils in conjunction with factory committees would decide questions of costs, prices, and the extent of production.

Democracy, says the guildsman, is to come first in the economic field and is to be extended to the political field later on. Today it seems to be the other way round. According to guild socialism, modern industrial conditions are so chaotic and exploitative that unless they are first remedied, no change is possible in other departments of social life.

Under guild socialism, further, there would be not only industrial guilds but also consumers' guilds and civic guilds, as well as guilds for the various arts and professions. All these would be organized locally, regionally, and nationally.

The State is to be replaced by the commune. It is to have limited functions. Tools of production are to be handed over to the guilds as trustees of the State.

Methods of Guild Socialism. Unlike syndicalism, guild socialism believes in evolutionary methods. At the same time, however, it has limited faith in parliamentary action. It wants to make much use of the Trade Unions. "The trade unions of today will become the guilds of tomorrow." They have to wrest power little by little from the hands of the possessing classes. In this respect they differ from syndicalism which resorts to direct action and general strike.

Criticism. (1) Guild socialism idealizes and idolizes the guild system of the Middle Ages. (2) Functionalism would mean the atomization of society. (3) Guild socialism is impractical since it is not possible to draw a sharp line between producers and consumers. Even if they are clearly demarcated, the former are likely to dominate the latter. (4) An economic parliament cannot easily take the place of a political parliament or function side by side with it. At best it can only serve as an advisory council.

Merits. In spite of the above weaknesses, it must be said that guild socialism has rendered considerable service by calling pointed attention to the importance of democracy in industry; to the dangers of bureaucratic control; to the desirability of producers' participation in the management of the workshop; and to the value of functionalism in both politics and industry.

5. SOCIALISM IN INDIA

The Socialistic Pattern of Society or the Socialist Structure for India :

Ever since Jawaharlal Nehru returned from China in 1954, he had been full of enthusiasm for a socialistic society in India. The Avadi session of the Indian National Congress held early in 1955 adopted the realization of such a society as a goal for India. The 1956 session held in Amritsar has substituted the expression 'the Socialist Structure'. This change probably means that the pattern which was lying like a blueprint on the table hitherto has now begun to stand up on its feet like a structure. The term 'socialistic society' or 'socialist structure' is deliberately vague, in view of the fact that neither in theory nor in practice does socialism mean the same thing to all people. Thus the socialism of the British Labour Party is, in many ways, different from Continental Socialism; and both in turn differ from Russian and Chinese Communism. Even in India itself, socialists are not all agreed as to what their creed means. Their party is probably more divided within itself than any other party in the country.

In addressing the National Development Council some time ago, Nehru said that what he had in mind about "Future India" was "definitely and absolutely a socialistic picture of society". He went on to say that he had no intention of eliminating private enterprise, but averred at the same time that the acquisitive instinct was not only out of date, but was also immoral. The new society, according to him, is to be based on equality of opportunity, and, strangely enough, this is practised to a very large extent by a capitalistic society such as the American. Nehru further says that the Constitution of India lays down that the goal of the Indian people is the Welfare State in which the individual shall live for the community, and the community for the individual. In practical terms, a socialist society, according to Nehru, means "the right to live; the right to work for a living; and the right to receive what one has earned".

Dr. John Matthai, the well-known Indian economist, scholar, and man of affairs, says that the two ideas central to socialist society are freedom and equality. Declining to describe socialism as a creed or as a type of organization, Matthai urges that it is "a way of life and an attitude to society which aims at the widest practicable diffusion of social justice by methods which may be regarded as appropriate to a free... democratic community". The instruments by which

this socialist society is to be realized are the recognition of (1) the sacredness of individual human personality; (2) the principle of love; and (3) the idea of fellowship.

Surprisingly enough, Dr. Matthai does not think that nationalization or the "State taking over the means of production" is essential to socialism, because, to quote his own words, "many of the objectives which those who ask for nationalization have in mind could be achieved by measures other than nationalization by legislation, by executive order, and by fiscal measures". It is not likely that Nehru and many others, including the present writer, would agree with this point of view. But it is unlikely that they will differ from him sharply when he goes on to say "I do not think it is an essential part of Socialism that individual enterprise and initiative should be controlled or suppressed".

Dr. Matthai would apparently support the present bifurcation of Indian economy into the public and private sectors, although he has a fear that if care is not taken, in the name of an economic democracy, severe limitations may come to be placed upon the freedom of the individual citizen. He wants that a proper balance should be kept between the small producer and the large producer so that neither may be sacrificed on behalf of the other. Another fear which he entertains is that the financial resources of the country, not being able to cope with the demands made by the First and Second Five Year Plans and the plans to come, may lead to a period of rise in prices and "a definite inflationary trend". That this is not a mere imaginary fear can be seen by opening one's eyes to the situation around oneself.

In the socialistic society there is to be a minimum reward for work, adequate leisure for everybody, and care of the old and infirm. As regards the principle of equality, Dr. Matthai stressed "equality in justice, equality before the law, equality in opportunities of growth and development, education, enterprise, and choice of occupation". He raises the question of "equality in respect of income and wealth", but does not seem to be in favour of it at the present stage of development in India. On the question of reform of land tenures too he declines to express a firm opinion. He lays special stress on the fair treatment to be accorded in a free society to women and children; on such voluntary service as is rendered by the Social Service Board, the Bharat Sevak Samaj, and the Community

Projects; on fellowship in study; and on religious *ashrams*, and international fellowship.

While this is an admirable picture of the socialist society from a more or less conservative and religious point of view, the radicals would want the State to go much farther. Mr. U. N. Dhebar, a former President of the Congress, has addressed himself to the task of spelling out the meaning of the socialistic society. On the economic side, he says that it means at least three things, *viz.*, (1) the national ownership or national control of certain basic industries; (2) an equitable distribution of wealth; and (3) equality of opportunity. On the social side, we may add on our part that a socialistic society should mean a casteless and classless society, a society from which all present-day artificial distinctions between man and man are eliminated. And it is our conviction that neither economic nor social changes of a far-reaching character are really possible unless there be a wholesale change in human motives and desires and in national character.

Turning to the economic side first, while 'nationalization' is an attractive term to many, it is not a mere magic wand by the waving of which a new society can be created overnight. A socialistic society is already on its way in India through its several multi-purpose river valley schemes, including irrigation works, reclamation activities, and fertilizer plants, through the development of inland fisheries, the improvement of the cattle of the country, the nationalization of railways, aeroplane assemblage and civil aviation, nationalization of life insurance, attempts at the abolition of landlordism, the setting up of machine tool shops, and government subsidies given to small-scale and cottage industries. The second Five-Year Plan contemplated a much larger outlay on the public sector (Rs. 4,800 crores) than on the private sector (between Rs. 1,500 and 1,700 crores). The third Plan is even more ambitious, although it may have to be modified because of the war forced upon us by China, which is bound to consume a great deal of our resources. Much greater attention than in the past is to be paid to education in all its phases, to public health, housing and social welfare, as well as to employment.

Prof. John Saunders writes that the socialistic pattern of society calls for justice (in the sense of a more equitable distribution), social security, and a fuller life. According to him priority is to be given to land reform, debt relief, and scientific farming. Food production is to be increased by double cropping, irrigation, manuring, etc. It

is strange that land revenue in socialistic India amounts to a smaller percentage of government funds than was the case in India under Britain. Landlords are making use of the parliamentary machinery for keeping down land revenue.

John Strachey rightly argues that in a heavily populated country with limited cultivable land as India, tractors, combine-harvesters and other large-scale agricultural implements cannot increase production to any remarkable extent. What we need is scientific farming with its emphasis on improved seeds, fertilizers, rotation of crops, intensive cultivation and the like, and not mammoth agricultural machinery.

Next to land reform and related subjects, Saunders places full employment and the raising of living standards as the immediate goals to be reached. He deplores the fact that among agricultural labourers the number of idle days ranges between 82 and 115 days a year. Side by side with unemployment is the mounting evil of overpopulation. While birth-rate in several advanced countries is either stationary or receding, it shows no sign of falling in India, where new births account for 2 p. c. increase to the population of the country every year. Death-rate, on the other hand, is falling.

Vinola Bhawe seeks to bring about a new order of society through voluntary methods. With the help of a few going on foot from place to place, he has been able to secure more than four million and a half acres of land for distribution among the poor. In spite of it the lot of the poor does not seem to be appreciably different. It is Bhawe's conviction that before a community project is started in any place, the land should first be redistributed. For ourselves we believe that Bhawe's movement has a beautiful symbolic meaning, but so far it has not gone very far in alleviating rural poverty. It is an appeal to man's heart and conscience.

The *Sarodaya Movement* concentrates attention on the 550,000 villages of India. It looks askance at the great industrial plants and irrigation works sponsored by the Government of India. Its ideal is the revitalization of village life. It advocates a producer-and consumer-centred economy as against an economy whose first object is the earning of foreign exchange and dollar assets. The existing village tanks should be renovated and deepened and fed by small feeder tanks in the neighbourhood. There should be canals and cross-canals all over the country. States should be reorganized along riverine valleys, centring around economic factors. There should be

small generating stations for hydro-electric schemes. At the higher levels of the rivers industries are to be concentrated, and at the lower levels, cultivation. River transportation is to be so enormously expanded as to care for internal trade and commerce as well as to provide employment for millions of people. Roads are to be built primarily to meet the needs of the villager and his bullock-cart. Large-scale industries should not be left in private hands. Coal and electricity should be made easily available to the villager. The handloom and hand spinning, oilpressing and other hand industries are much stressed by the Sarvodaya Movement.

India's contribution to world economy is said to be her villages. Apropos of it, Mahatma Gandhi says, "If the village perishes, India will perish too. It will be no more India. Her mission to the world will be lost."

On the organizational side, the community projects of India, 55 in number, inaugurated on October 2, 1952, are said to fall in line with the socialistic pattern of society. They are described as a plan of the people, by the people and for the people. It is the hope of the sponsors that they will become pilot projects throughout the country. About 64 p. c. of the expenditure on these projects is said to come from the people in the form of cash, kind or voluntary labour. What a contrast to forced labour which is said to prevail in some parts of Russia, and certainly in China. Each project is divided into 3 blocks and each block covers 100 villages. At the village level there is village level worker who is assisted by a stockman. For each block there is a Block Project officer. The District Collector serves as Deputy Development Commissioner. All of this is in strange contrast to the administrative set-up under British days. It is estimated that at the end of the Second Plan period, 60 p. c. of the villages in the country had been covered by the scheme.

The Welfare State. It is interesting to note that the welfare state ideal with which India inaugurated her Constitution in 1950 has become gradually blended with the conception of the socialistic society of today, although it is clear that a welfare state need not necessarily be socialistic. In the Ajmer session of the All-India Congress Committee held on 23rd July, 1954, a resolution was passed to the effect "The objective of the Congress is the establishment of a co-operative commonwealth and a welfare state." Welfare since has been interpreted mostly in economic terms.

Dr. Abraham (quoted by Professor S. Ghosh) defines welfare

state as "a community where state power is deliberately used to modify the normal play of economic forces so as to obtain a more equal distribution of income for every citizen, a basic minimum real income irrespective of the market value of his work and of his property." T. W. Kent (also quoted by Prof. Ghosh) says that "it is a state that provides for its citizens a wide range of social services. The primary purpose is to give the citizen security. The State undertakes to help him if he loses his ordinary source of income."

According to Ghosh, economic justice, security against unemployment, old age, etc., and freedom for the individual are the three pillars of the welfare state. Welfare is to be conceived not only in material terms, but also in terms of human freedom and progress. The Ajmer resolution, referred to above, defines welfare state in terms of the elimination of unemployment, greater production, and equitable distribution.

A welfare state, however conceived, must include many social services such as education, old age pensions, unemployment pay, and public assistance. Even though the U. S. Government renders many of these services, the term 'welfare state' is anathema in that country since it is regarded as a next door neighbour to the socialistic state.

A grave danger which besets the welfare state everywhere is that it may easily transform itself into a totalitarian state. Ghosh is right in thinking that material good has meaning only as a means to the moral freedom of man. If the welfare state or the socialistic pattern of society is to be properly realized in India, it should be realized non-violently and democratically. Democratic and welfare ideals must be harmonized. According to some writers, planning and democracy cannot go together.

Planning anywhere is in danger of becoming bureaucratic. If it is to be effective, it must be total. If the present day linguistic rivalries are overdone, the likelihood is that planning will be partial and defective, and will defeat itself. Planning in order to be effective must be free from too much centralism and party dictatorship and must be continuous. Writing on the last point, Barbara Wootton says: "If the existence of political parties does mean the right to change our mind every six months then I am afraid it is incompatible with long term planning". As things stand at present, Prof. John Saunders opines that India's greatest danger is not economic dictatorship but futile democracy.

An equally imminent danger is the apathy of the people. Unless people have a zeal and passion for a socialistic society and are willing to work for it with honesty and integrity, it is impossible to get the full benefit of planning.

Summing up the issue in all its phases, Prof. Ghosh wisely writes :—“We should plan for plenty but not at the cost of freedom ; we should execute our plan not through the coercive power of the state or the government-appointed officers but through the active and enthusiastic participation of the people in the plan ; we should have political parties not to suppress other parties outside or its own members inside, but to educate the people about matters of public importance and enthruse them to participate in the actual execution of public policies ; we should have a state which is not a monolithic structure, but one which is a co-ordinated network of small democracies in which the people can directly and actively participate, not so much to help the (abstract) state but to train themselves as sovereign citizens”¹.

The Ideologies of Socialism and Communism. Socialism and Communism are by no means identical concepts. Marx describes socialism as the first or lower phase of the communist society. It is a half-way house to Communism.

The main differences between Socialism and Communism are : (a) While, according to Socialism, there is to be a social ownership of producers' goods, according to Communism there is to be in addition social ownership of some or all forms of consumers' goods as well. (b) Under Socialism wages are reckoned according to services rendered or socially useful labour performed ; whereas under Communism reward would be according to individual needs, the motto of Communism being ‘from each according to his ability and to each according to his needs’. (c) Socialism believes in attaining its goal by evolutionary or constitutional methods. Communism, on the other hand, pins its faith on revolution, its teaching being that revolution is a part of evolution, comparable to the biological jumps in the lower world. (d) While Socialism aims at preservation of the State and the utilization of it in gaining social needs, Communism believes in the gradual ‘withering away’ of the State. (e) Communism in theory at least believes that world revolution and world Communism are necessary for its successful working anywhere, while Socialism for its most part is satisfied with a nationalist programme.

1. Indian Journal of Political Science, Oct.-Dec. 1954, p. 338

6. LASKI AS A DEMOCRATIC SOCIALIST

During the transitional period, Laski as a Democratic Socialist realized that the pluralistic theory of the state was not very satisfactory as the doctrinal basis of a radical philosophy of political re-organisation. His intellectual loyalty to the pluralistic ideal still continued but the institutional pattern that he unfolded in "A Grammar of Politics" was far more monistic than, perhaps, he himself realized (102 : 167). The impress of collectivistic ideas on Laski's political thought at this stage is obvious. His opposition to syndicalist and guild socialist proposals of a decentralized state and his rejection of the Webbian bi-parliamentarism clearly reveal his drift towards a unitary theory of the State. But his collectivism is different and much less rigorous than the collectivism envisaged by the Marxist political theory (102 : 167-68). It appears that the under-currents of pluralism and individualism soften the monistic edges of his collectivistic state.

Pragmatic Basis of His Political Theory:

There is no doubt that the political grammar of Laski is a brilliant attempt to restate the principles of political science in pragmatic terms. This is one of the very few books of Laski which have a sure future. "Despite its great length", says W.Y. Elliott, "and despite a tendency to treat subjective wishes and opinions as if they were objective facts, it may well be the most important contribution that has been made to recent political theory. To this distinction it has several claims of a unique order, the chief being that it is the first sustained attempt on the part of the accepted leader of contemporary political pluralism to state an adequate basis for political reconstruction. Its claim may rest also upon one fact that it is the most ambitious survey of the essential problems of politics yet undertaken by any modern writer of English - and this in spite of the confessed omission of the whole bearing of the agrarian problem. Within the scope of a single volume, Laski has managed to get in not only a treatise upon political ethics but a very richly suggestive outline of the political and economic institutions which he holds to be the best means of realising an ethical world order, as well as of realising the "new state" that will extend the area of freedom in industrial society" (102 : 166-67).

Ethical Foundations of a New Political Order:

The aim of Laski in his Political Grammar is to suggest the

ethical foundations of a new political order. The great question in political science, as Lord Acton said, is to discover not what governments prescribe but what they ought to prescribe as no prescription can be valid against the conscience of mankind. He has made an earnest effort to answer Lord Acton's ethical question but the ethical motive in his political inquiry has introduced an essentially utopian element in his political thought. Where this utopian element is singularly absent, Laski appears as a conservative defender of existing institutions with only minor proposals of structural or functional reform. He appears to be a progressive philosopher because of his vague socialistic aspirations interspersed in his writings during this period. But he is practically a conservative who is afraid of the revolutionary social effort involved in the realization of those socialistic ideals.

A Revision of Marxism:

In his treatise on "Communism", which was first published in 1927, Laski has produced a detailed analysis of the Marxist political philosophy. But it is as an opponent and not as a friend that he has volunteered to discuss it. "Communism", says Laski, "has made its way by its idealism and not its realism, by its spiritual promise, not its materialistic prospect. It is a creed in which there is intellectual error, moral blindness, social perversity. Religions make their way despite these things. Mankind in history has been amazingly responsive to any creed which builds its temple upon spiritual heights. The answer to the new faith is not the persecution of those who worship in its sanctuary, but the proof that those who do not share its convictions can scan an horizon not less splendid in the prospect it envisions nor less compelling in the allegiance it invokes" (123 : 250).

Marxism as a Social Science or Religion:

It is difficult to agree with Laski who attributes the success of Communism to its 'perverse idealism'. Marxism has nothing to do with 'idealism', religious or philosophical. It succeeded because it bases its programme of action on a scientific understanding of historical facts and processes. It is neither a dogma nor a faith. It is historical science developing continuously through social experience of the masses, and an intellectual discipline based on scholarly researches in sociology and economics. Communism has not made its way, as Laski thinks, by its so-called 'idealism' or 'spiritual promise'. An

objective analysis would show that it has grown as a mass movement by its sober realism and an essentially materialistic prospect of a rising standard of living for the peoples of all countries. Laski's alternative at this stage to Marxian socialism which is both scientific and materialist, is a vague sort of utopian socialism or a kind of cooperative capitalism. It is his own utopian socialism which constructs its doctrinal edifice on the foundations of idealistic and spiritual promises which may not work successfully in face of hard political realities

The General Will and the Common Good in a Class-ridden Society:

In a class-ridden society, the functioning of the State tends to preserve and promote the sectional interests of the dominant class or classes. Laski is right when he rejects the idealistic conception of the general will as an end of the state. But at the same time he asks the state to pursue the common good. If the state cannot represent the general will, it logically follows that it will be unable to pursue the common good. But he somehow thinks that the capitalist state, which does not represent the general will, may, nevertheless, be persuaded to pursue the good of society as a whole. He has specially the British conditions in mind where the existence of a Labour party participating in the constitutional politics of the country is the guarantee of an inherent harmony of state purpose. But the conception of the common good to be realized by a capitalistic state is essentially un-Marxian in character.

Conception of Individual Liberty.

There are other inconsistencies in Laski's "A Grammar of Politics". His conception of liberty is as *a priori* and uncritical as that of John Stuart Mill. He treats liberty as a static concept which can operate only in settled and stationary political societies. This individualistic conception of liberty is an anachronism in the modern collectivistic era. It is also inconsistent with his passion for a collectivized state operating the nationalized industries of the community.

Conception of Authority as Federal.

Similarly, his conception of political authority as federal is inconsistent with his demand for the grant of larger economic functions to the state. His rejection of state sovereignty as a part of political theory is inconsistent with his proposal for an omniscient single

chamber as the sovereign legislative power in the realm. The only concession to pluralistic sentiment is the provision of advisory councils and consultative committees representing the various group interests in the nation. But these advisory councils having only a consultative status cannot affect the omniscience of the sovereign legislative chamber. As W. Y. Elliott points out, Laski's theories discussed in the first part of the political grammar cannot be logically reconciled with his proposals of institutional reform put forward in the latter half of the book.

Anarchic Pluralism and Utopian Socialism and other Contradictions of Laski's Theory :

These contradictions are due to his attempt to reconcile artificially the conflicting notions of an anarchic pluralism inherited from his intellectual past and a collectivistic socialism revealed to him as utopian dream of the future. His conception of the League of Nations as a super-state which would bring peace and justice to mankind proved to be most conspicuously utopian. Laski visualized in the League of Nations a kind of world federation and used its existence as an empirical argument to deny the sovereignty of the nation-state. He did not clearly understand that nationalism had not yet fulfilled its historical mission specially in colonial and semi-colonial countries. The peoples of these subject countries aspired for separate sovereign states where they could enjoy the fruits of their own national freedom. They were not willing to surrender their sovereignty, after winning it from the hands of their imperialistic overlords, to an international organization which was bound to be dominated by the major imperialistic powers of the world. Moreover, the constant rivalry between the major imperialistic powers prevented any international organization from becoming an instrument of unified international policy much less of a liberal or progressive policy as envisaged by Laski. The fate of the League of Nations is a sufficient commentary on his utopian interpretation of the functions of that world organization.¹

Constructive Elements in His Political Thought :

In spite of these deficiencies, the significance of the construc-

1. Laski was forced to revise his earlier view of the League of Nations in his second edition of "A Grammar of Politics" when he admitted his error in regarding the League as a super state. See the preface to the second edition of "A Grammar of Politics" which appeared in 1930.

tive element in Laski's political thought during the transitional phase should not be minimized. His criticism of the general will, his emphasis on the class character of political institutions, his argument for the refashioning of property relations in society, his criticism of the abuses of sovereignty, his love for liberty and hatred of tyranny in any form, and his faith in the fundamental unity of mankind that recognized no frontiers either racial or otherwise are some of the most important features of his constructive political philosophy.¹ The limitations of Laski's political thought arose from the insufficiency of his political experience which was mostly confined to the political conditions of an insular country like England. Apart from the utopian element, the realistic suggestions of Laskian socialism are specially suited to British conditions. The political grammar of Laski will continue for long as the recognized moral code of the Labour party and socialist intellectuals in Britain. But this was not a final statement of his opinions which were destined to receive a new shock in the form of the economic crisis which shook the capitalistic world for four years from 1929-1933. It also brought a crisis in Laski's political philosophy. It brought him closer to Marxian political theory.

Impact of Economic Crisis of 1929-33 :

After the Russian Revolution, the greatest challenge to the capitalistic system came from an internal crisis popularly known as the great depression. This depression started in 1929 from the United States and gradually enveloped the major capitalistic countries of the world. The only country which remained completely immune from the evil consequences of this depression was Soviet Russia. This proved beyond doubt the superiority of the socialistic system over the capitalistic system. The political institutions of bourgeois liberalism gave way to fascist dictatorships or reactionary coalitions ruling with the help of emergency powers. The parties of the working-class were persecuted and suppressed and an atmosphere of civil war was created.

The working-class of Europe was divided in its ranks. This disunity ensured the success of the counter-revolution all over Europe (126:30-66). In England, the minority Labour government was

1. For a popular summary of Laski's views during the transitional phase, see his "Introduction to Politics" which was first published in 1931.

replaced by the so-called national coalition of reactionary elements drawn from all political parties. These events convinced Laski that the parliamentary institutions of bourgeois democracy were inadequate to meet a crisis of such magnitude. It was clear that the ruling class of Europe, when forced to choose between democracy and capitalism, was more likely to renounce democracy and choose capitalism (126 : 233-63).

The Crisis of Democracy in Capitalist Society :

In his "Democracy in Crisis", Laski displays some scepticism about the efficacy of parliamentary methods as instruments of social change. "The disintegration of parliamentary democracy", he says, "is due to the fact that the leaders of the class who dominate it cannot meet the demands made upon them. The new class which has arisen to political authority, dissatisfied with the results of the present state, seeks to reorganize it in its own interest. The rise of a new class to political power is always, sooner or later, synonymous with a social revolution; and the essential characteristic of a social revolution is always the redistribution of economic power. Here, it may be urged, is the centre of the *malaise* in representative democracy, the root of the crisis it confronts. A new society is struggling to be born within the womb of the old; it finds the forms of that old society resist its effort at emergence. It is, I think, wholly natural that, if those forms should be found too inflexible to permit the easy birth of the new order, an attempt should be made to break them" (126 : 54).

He notices a number of constitutional impediments in the parliamentary system of England which prevent it from becoming an instrument of a radical socialist policy. The social implications of monarchy as the protector of feudal traditions, the influence of a reactionary House of Lords in legislative affairs, the conservative predilections of the army leaders, the prepossessions of the bureaucracy for the *status quo*, the anxiety of the courts to protect the privileges of property, the capitalist control of public opinion through large-scale ownership of the press, the influence of money in corrupting politicians, the vagaries of the electoral process, the indifference of the multitude towards serious political issues, and, finally, the remnants of bourgeois psychology may well make the realization of a socialist experiment completely impossible within the limits placed by the parliamentary system (126 : 67-146).

Laski and Fabian Socialism :

This distrust of parliamentary institutions distinguishes Laski's socialistic thought from Fabian socialism. The characteristic British socialism before him was Fabian. Its ideology was based more on Mill's ideals than those of Marx. The Fabians argued that revolution as a method of social change was not suitable to England. They were rationalists in their outlook and believed in the realisation of socialism through rational persuasion. They thought it was quite possible to educate the electorate and convince a majority about the case for socialism. A parliamentary victory of the socialist party was sufficient to bring about the desirable changes in the capitalistic system in the direction of socialism. Moreover, they did not think in terms of challenging the fundamental economic postulates of liberal capitalism. The Fabians could hardly understand the inherent crisis of the capitalist system which led to the world depression of 1929 after the first world war and paved the way for the rise of fascism. This implied that the owners of capital sacrificed democracy in order to preserve their privileged positions in the economic system (132 : 241).

Criticism of the Fabian Approach :

The Fabians did not realize that the political institutions of bourgeois liberalism reflected the economic purposes of a capitalist class which could not permit their use by its class enemies for its own destruction. The socialists could use parliamentary institutions to secure minor concessions in a period of capitalist expansion and within the framework of the capitalistic system. If they tried to use them to undermine the foundations of capitalism, the capitalists replied by suspending the normal constitutional machinery and suppressing the parliamentary institution in favour of a counter-revolutionary dictatorship. "Neither Fabians nor advanced liberals", says Laski, "had seen that the success of parliamentary government was dependent upon two conditions. It required, first, the sense of security that came from the ability to go on making profit, that enabled it, from its surplus wealth, to continue the distribution of amenities of the masses. It required, in the second place, an agreement among parties in politics to all matters of fundamental social constitution in order that each might succeed the other as the government of the day without a sense of outrage. Without the ability to operate these conditions, parliamentary government was

powerless to settle differences in terms of reason. The political forms of liberalism, in a word, were dependent upon a conjuncture of economic circumstances the permanence of which could alone guarantee their effective functioning' (132 : 24').

The error of the Fabian hypothesis, according to Laski, was its failure to assert that a fundamental change in the economic structure requires a corresponding change in the form of political institution as well. When feudal economy gave way to capitalist economy, the feudal state was replaced by a new liberal state. When socialist economy replaces capitalist economy, the liberal state is bound to undergo a revolutionary metamorphosis (132 : 243).

Laski's Theory of State Drifts Closer to Marxism :

The theoretical implications of Laski's attack on the political institution of the liberal state were subsequently elaborated by him in "The State in Theory and Practice" which is probably the best of his works on political philosophy. It contains the classic statement of Laski's political theory based upon his own revised version of Marxism. He now accepts a definition of the state which now contradicts some of his old pluralistic assumptions. He says, "By a state I mean a society... which is integrated by possessing a coercive authority legally supreme over any individual or group which is part of the society. An examination of any national society will always reveal within its boundaries not only individuals, but also associations of men grouped together to promote all kinds of objects, religious, economic, cultural, political in which they are interested. Such a society is a state when the way of life to which both individuals and associations must conform is defined by a coercive authority binding upon them all. The French state, for example, is a territorial society, divided into government and subjects, whether individuals or associations of individuals, whose relationships are determined by the exercise of this supreme coercive power. This power is called sovereignty; and it is by the possession of sovereignty that the state is distinguished from all other forms of human association" (50 : 21). The exigencies of a collectivist society have led Laski to accept the theoretical validity of a doctrine he had himself once challenged.

Sovereignty as Coercive Power of the Ruling Class :

But the sovereignty that he now ascribes to the state is not a legal formality in the traditional Austinian sense. It is rather the logical

predecessor of the Marxian conception of the nature of the state which interprets it as a coercive instrument of brute force for the exercise of class tyranny. The history of political societies is a history of permanent dictatorships established successively by the victorious economic classes. The Marxian motive in Laski's definition of sovereignty as organised communal force for economic domination is manifest when he says, "The control of legal relations in a society is in the hands of those men who, as the government, have the formal right to exercise sovereign power. To determine the way in which it shall be used is, accordingly, to determine how the fruits of the productive process shall be distributed; and it is impossible to make this determination save by having the right to exercise sovereignty. Those, therefore, in a society who seek to alter the character of the distributive process in any fundamental way, who want, that is, to alter the productive relations of the system under which they live, must do so by altering the legal foundations of the society. This they can only achieve by possessing themselves, either peacefully or by violence, of the state-power; for that is the instrument through which alone essential legal relations can be changed" (50 : 111).

Idealist Theory Ignores Basic Contradictions of Society :

The idealist theory of the state is rejected by him on the ground that it ignores the basic contradiction of society. The idealist writers are preoccupied with the harmony of a conceptual state and, therefore, fail to observe the character of states as they have existed in history. They have evolved a theory of political obligation which does not take into account the dominating influence of the property-relation in determining the purposes of the state. Instead of relying on historical induction, they deduce their political norms from *a priori* metaphysics. Their *a priori* reasoning leads them to believe that the real is rational and slavery is freedom. The class struggle of history is transcended in the harmonious unfolding of a moral idea. Legal relations for the idealist become the expressions of a moral drive of the absolute instead of representing the productive relations of a given period. Laski has no use for the idealist theory because it is not grounded in historical experience.

Class Bias in the Functioning of State :

To a Marxian mind, the conceptual harmony attributed to state purposes is at best an article of faith of the idealist. Marx argued that

state purposes in history have always been biased in favour of the dominant economic class at a particular period and Laski also holds an approximately similar view. He points out that historical evidence conclusively proves the existence of a bias in the functioning of all states. The Greek city-state favoured the slave-owners and was biased against the slaves. The imperial state of Rome helped the patricians in their exploitation of the plebeians. The feudal state guaranteed the oppression of the serfs by the landed aristocracy. After the Industrial Revolution, the state was captured by the owners of capital, who used it to exploit the working-class. So the modern state, till the Russian Revolution, everywhere represented the rule of the bourgeoisie over the proletariat (50 : 101).

Political Evolution in Economic Context :

It is obvious that the Marxian induction from history is primarily an interpretation of political evolution in its economic context. Laski has brilliantly re-stated in the second chapter of "The State in Theory and Practice" what Karl Marx succinctly described in his preface to "The Critique of Political Economy" a few decades ago. "In the social production of their life", said Karl Marx, "men enter into definite relations that are indispensable and independent of their will, relations of production which correspond to a definite stage of development of their material productive forces. The sum total of these relations of production constitutes the economic structure of society, the real foundation, on which rises a legal and political superstructure and to which correspond definite forms of social consciousness. The mode of production of material life conditions the social, political and intellectual life process in general."¹

Material Basis of Social Change :

Laski argues in a similar vein, "The basic factor in any given society is the way in which it earns its living....changes in the methods of economic production appear to be the most vital factor in the making of change in all the other social patterns we know. For changes in those methods determine the changes of social relationships; and these in their turn, are subtly interwoven with all the cultural habits of men. We cannot write the history of law without

1. Karl Marx and Frederick Engels : "Selected Works", Vol. I, pp. 328-29 (Moscow Ed. 1950).

looking at its roots in the methods of economic production. We cannot explain the history of religious doctrines without relating them to the social background in which they evolved; and the key to that social background is always to be found in the relationships built upon the methods of production.¹ Our educational systems seek to prepare the child for life; but the kind of life for which it is to be prepared is a function, once more, of the material relations of the productive system which obtains in a given society. Our styles of architecture, the forms of our literature, the character of our science, the basic framework of all that we call civilisation, is, at bottom, determined by these productive relationships.....(50 : 108). The economic factor, then, is the bedrock upon which the social superstructure is built; and the way in which it mainly operates is through the struggle of economic classes to possess the state power" (50 : 122).

Critical Attitude towards Marxism :

It should be noted that Laski's adherence to Marxian political philosophy was even at this stage half-hearted. He thought that though Karl Marx did not make any serious misinterpretation of facts yet his theory suffered from its basic simplicity. His differences with the communist interpreters of Karl Marx were profound and of a far-reaching character. It is true that he was a great admirer of the Russian Revolution but at the same time he was also a remorseless critic of some aspects of the Soviet regime and the communist method in general.

In his "Reflections on the Revolution of our Time", Laski has given us a critical estimate of the Russian Revolution. While criticising the presence of dictatorship and absence of the so-called political democracy in the Soviet Union, he concludes that the socio-economic achievements of the Soviet system have a profound significance for the whole world which is, at present, passing through an era of revolutionary transition. In spite of their fallibility and important

1. Engels, elucidating the materialist conception of history, said, "Not only for economics, but for all historical sciences (and all sciences which are not natural sciences are historical) a revolutionizing discovery was made with this proposition, that the mode of production of material life conditions the social, political and intellectual life process in general; that all the social and political relations, all religious and legal system, all the theoretical outlooks which emerge in history, are to be comprehended only when the material conditions of life of the respectively corresponding epochs are understood and the former are derived from these material conditions" (146 : Vol I-334).

errors in policy, the Soviet leaders have been successful in building up a revolutionary social order that represents an important advance towards the creation of a progressive world society (131 : 41-85).

Uncompromising Opposition to Fascism :

His attitude to fascism, as it should be, is that of uncompromising opposition. He has used both Marxian and liberal arguments in discrediting the totalitarian regimes of Mussolini and Hitler. As a socialist, Laski agrees with Marxists in regarding fascism as the defence mechanism of monopoly capitalism in decay or the last counter-revolutionary effort of the capitalist class to prevent the occurrence of a proletarian revolution. As a liberal, he attacks the fascist ideology for bringing about a ruthless political system that has put an end to the finest traditions of liberal individualism at one stroke. As he was a Jew, Laski was motivated by a strong racial feeling in his criticism of the Nazi system. But the most effective criticism that he brings forward against fascism is Marxian in character. The defeat of the fascist powers in the battlefield would not mean, as Laski said, the end of fascism until it was followed by a social revolution in those countries which is conceived by him in Marxian terms (131 : 86-127).

Compromise between the Liberal and Marxian Approaches to Politics :

The political philosophy of Laski is essentially based on a compromise between the liberal and Marxian approaches to political philosophy. His brilliant but critical interpretation of the British constitution in his "Parliamentary Government in England" shows his preference for the Parliamentary system to any other conceivable system of political organisation. His only anxiety is to reform it so that it may answer the needs of the impending social revolution (130 : 13-70). His scholarly analysis and indictment of the American political system in "The American Democracy" has a clear Marxian basis but the institutional reorganization proposed by Laski is more in conformity with the British system than with any other system including the Soviet (121 : 72-263). It may be safely asserted that despite his theoretical adherence to his own version of Marxism, he always remained a practical Liberal.

Democratic Socialist Philosophy :

In the twentieth century, Laski may be regarded as the most

important spokesman of the democratic socialist philosophy in the English speaking world.¹ However, he had been a pluralist and an individualist in his early days but changed his views later to propound a theory of the collectivistic state. His ideas of collectivism were partly derived from the English school of Fabian Socialism and partly from the writings of Karl Marx and Engels (145 : 72-75). He actively participated in the political activities of the Labour Party in England and ultimately rose to the position of its national chairman. "Harold Joseph Laski", observes George-Catlin, "was also, at first, a continuator of the tradition of J.S. Mill in that last phase of *The Principles of Political Economy* which leads on to Fabianism. Laski's work, moreover, was marked by more stress than was placed by the Fabian majority on the individual, even to the point of 'conditional anarchism'. In the end, however, he identified his position with Marxism far more closely than did this majority. He resigned from the Fabian Executive Committee on the ground of lack of sympathy with them in their traditional positions as exponents of an Anglo-Saxon 'Gradualist' brand of Social Democracy" (92 : 654). Inside the Labour Party Laski was the spokesman and sympathiser of its left-wing section and in 1937 he advocated, along with Stafford Cripps, the policy of political association and collaboration with the British Communist Party (145 : 102-120).

Three Aspects of Laski's Socialist Theory :

Laski's theory of democratic socialism may be conveniently studied by dividing it into three parts. In the first place, it envisages a technique of peaceful change in the present socio-economic structure. He does not agree with the Communist view that a violent revolution is necessary for the overthrow of capitalism. Secondly, his theory involves an assumption that capitalism has outlived its day and the victory of political democracy with its universal adult suffrage has created the conditions of its inevitable decay.

Moreover, the economic institutions of capitalism have become anachronistic and cannot survive in the context of the modern technological advances and development. In other words, the forces of

1. Speaking in the Labour Party Conference of 1942 held in London, Laski summed up his faith in democratic socialism in these words, "The age of competitive capitalism is over. A democracy means nothing less than a society of equals planning full production for community consumption".

production have become incompatible with the relations of production (50 : 114-117). Lastly, his socialistic theory includes a vision of the socialist society based on a rational and equitable distribution of wealth which should replace the existing capitalist system based on glaring disparities of income. But his conception of democratic socialism envisages a happy harmonization of the social control of economic processes with the liberty of the individual in political and intellectual spheres (145 : 220-252).

On a superficial view, there appears to be no necessary connection between Laski's pluralistic theory and his subsequent socialistic outlook. Had he remained faithful to his pluralistic past, he would have adopted a guild-socialist theory like G.D.H. Cole or found comfort in the syndicalist views of Sorel or, again, approved anarchist visions of Kropotkin and Tolstoy as sound political sense. But anarchism, syndicalism and guild socialism failed to impress Laski and so he had to repudiate openly his earlier pluralistic position.

Link between Pluralism and Socialism :

Even then there is a connecting link between his pluralistic and socialistic theories. Both pluralism and socialism aimed at discrediting the capitalist state and both emphasized the autonomous position of trade unions in the modern society. In defending the freedom of associations against the sovereign state, Laski was by implication also defending the right of workers to organize themselves into trade unions and thus protect them from undue interference of the capitalist state. Even during the pluralistic phase, Laski shows distinctly pro-labour and anti-capitalist tendencies.¹ When he finally adopts socialism as his favourite political doctrine, he still remains opposed to what he describes as totalitarian dictatorship of the Communist type because it makes trade unions the convenient instruments of state policy by completely subordinating them to the Communist state (134 : 6-12).

Opposition to Dictatorship :

He retains a pluralistic bias even in his most hard-boiled collectivistic phase. He remains up to the end a champion of the autonomy

1. This is evident from Laski's support of the Boston police strike in 1919 which brought fantastic charges against Laski of being a Bolshevik agent in the American press. See Laski's biography by K. Martin, Chapter II, pp. 35-43.

of the group against the tyranny of the state. He is opposed to dictatorship even if it is exercised by the socialists to promote the aims of socialism because it will bring about the coercion of certain sections in the community in a highly undesirable manner. A socialist dictatorship which begins by persecuting the enemies of socialism may end in the persecution of one group of socialists by another. So Laski's theory of democratic socialism has a firm root in his political pluralism which resists the idea of an omniscient state in all its forms (127 : 84-90).

A Technique of Peaceful Change :

Laski thinks that the advent of political democracy in certain major countries of the world has created favourable conditions for a peaceful transition from capitalism to socialism. In a parliamentary system like that of England, all that the English workers have to do is to organize themselves into a Labour Party and work patiently for achieving an electoral victory of this party (126 : 184-192). As Laski says, "Once the division between parties is set by acceptance or rejection of the capitalist method of production, the logic of the contest turns upon the clash of these purposes. Nor is it, let me add, a contest in which the evolution can be so gradual as slowly to accustom the owners of economic power to the transformation. The announced programme of the Labour Party itself excludes that possibility. It is committed by its terms to a direct parliamentary attack upon the central citadel of capitalism. Once it is given authority by the electorate to fulfil its programme, it would be psychologically impossible for it to attempt its abandonment. To do otherwise is to commit suicide, for to abandon the attempt at the transformation of capitalism would be to surrender the whole ethos of its being (130 : 89). Thus he believes that the success of a socialist party in a national election is a sufficient guarantee of the achievement of socialism because any alternative policy for a victorious socialist party will be tantamount to its own disintegration and annihilation.

As he further points out that a political democracy has certain built-in compulsions which drive it towards economic and social democracy. However, the capitalist basis of political democracy prevents this kind of transformation for a long time. The parties of social change, therefore, begin by challenging the economic basis of bourgeois democracy and make it "the central issue in politics". The

parties of the status quo try to justify capitalistic institutions by "offering a constantly increasing standard of life to the masses". So long as the people remain satisfied with the achievements of capitalism, they vote for the status quo parties. When the people realize the drawbacks of the existing social order dramatized by a war or a depression of international magnitude, the radical and socialist parties get their opportunity of being elected to power. They can, then, start the process of transforming the capitalistic foundations of the existing social order without resorting to a violent revolution. Laski is, therefore, convinced that a capitalist democracy can be transformed into a socialist democracy in a constitutional and peaceful manner.

Resemblance to the Fabian Approach :

The above formulation of Laski's theory of peaceful transition to socialism is on the whole indistinguishable from the theory of Fabianism. The Fabians also believed in the gradual transformation of the political democracy into an economic and social democracy. Laski shares this belief when he says that the electoral victory of the Labour Party will bring about this transformation. But the old Fabianism was a theory of the era of capitalist expansion and so the dominating characteristic of the Fabian theory was its robust optimism. In sharp contrast to Fabianism, Laski has developed an attitude of scepticism and pessimism towards the political institutions of a capitalist democracy.¹

Difference with the Fabian Approach :

He recognizes the fact that a victorious socialist party may be prevented from translating its socialist programme into practice on account of the opposition of the army, the bureaucracy and the courts. The Fabians and advanced liberals did not realise that the success of parliamentary government was dependent upon two conditions. It required, first, the sense of security that came from the ability of the capitalist class to go on making profit, that enabled it, from its surplus wealth, to continue the distribution of progressively higher wages to the workers. It required, in the second place, an agreement among political parties on all matters of fundamental social constitu-

1. See George Catlin's remarks about Laski's pessimism and scepticism in "The Story of the Political Philosophers" Chapter XX, pp. 663-667.

tion in order that each might succeed the other as the government of the day without a sense of outrage. Without conforming to these conditions, parliamentary government was powerless to settle political differences peacefully (132 : 242).

In this way Laski shows his doubt in the possibility of achieving socialism by the straightforward capture of Parliament by the conversion of an electoral majority in favour of socialism. The experience of the post-war rule of the Labour Party in England justifies Laski's pessimism and scepticism in this respect.¹

Contradiction in Laski's Theory of Peaceful Transition :

The important contradiction of Laski's theory of peaceful changes is that though he recognizes the inadequacy of the constitutional method, yet he is unable to recommend any alternative strategy. He himself admits that no social class in history has ever surrendered its power and privileges peacefully. Some sections of the ruling class, when faced with the prospect of total defeat, may agree to offer concession to the subject classes. Even for obtaining minor concessions, the exploited and oppressed sections of the community have to take recourse to perpetual struggles. Slavery is now considered an indefensible institution but the Americans learnt this elementary truth after fighting a bloody civil war just a century ago. Religious tolerance is now an accepted principle of civilized political behaviour though religious persecution and riots survive in some form in many countries even now. History shows that this achievement too was based on the realisation of utter futility of religious conflicts and wars that were fought both in Europe and Asia.

The French and Russian Revolutions signify that neither the nobility nor the bourgeoisie was prepared to abdicate without violence. Algeria and Vietnam demonstrate the cost in suffering and privations for these peoples in their search for national identities. Even minor demands of peoples such as the right of franchise, equality for women, reasonable conditions of work for factory workers and abolition of racial discrimination have been rejected or conceded depending upon the intensity of struggle not precluding violence and pressures of mass movement behind them.

1. See Laski's remarks about the post-war Labour Government in England in 'The Dilemma of Our Times', Chapter VI, pp. 109-112, Chapter XIII, pp. 242-249.

Thus Laski does not completely rule out the necessity of a violent revolution for effecting social change. But the revolutionary means should be employed only when the constitutional means have been tried and found inadmissible or infructuous.

The Danger of Fascism :

Moreover, the rise of fascism between the two world wars shattered Laski's faith in peaceful evolution towards a socialist society by the use of parliamentary methods. As he pointed out, "It is not a great discovery to insist that solutions made in terms of rational consent are always to be preferred to those made by violence.....My point has been the wholly different one that democratic institutions are judged valid in a capitalist society so long as they do not so function as to destroy the essential implications of capitalism, that is, the class-relations which the private ownership of the means of production involve. I have been arguing that when the political democracy seeks to transfer that ownership to the community the capitalist class will, if it can, use the state-power to suppress democratic institutions. I have therefore urged that, at this stage of economic development, the difference between classes can only be settled by force" (50 : 143).

The examples of Italy, Germany, Austria and Spain proved that the ruling classes in those countries preferred the establishment of fascist dictatorships on the ruins of parliamentary regimes to the constitutional victory of socialist forces which could have brought about important changes in the socio-economic structure of these countries.

The Experiment of Parliamentary Socialism in England :

Laski unfortunately did not live long enough to see the final outcome of the Labour rule in England and certain other countries. A neutral observer can, however, say that the post-war Labour Governments of England have no better record to show than that of the Social Democrats of Germany after the first world war.¹ England still remains a capitalist country after several years of the Labour rule from 1945 to 1951 and from 1964 to 1970. What Laski wrote in the thirties in this connection may still be regarded as valid in the sixties

1. Kingsley Martin mentions in his biography of Laski that he was much dissatisfied with the work of the Labour Government just before his death. See Martin's "Harold Laski: A Biographical Memoir", Chapters IX, X and XII.

or seventies. "If a socialist government in Great Britain or France or the United States", he said, "were peacefully to transform the basis of the property-system from private to public hands the argument that fundamental changes could be accomplished by democratic means would be immensely strengthened. That evidence does not exist, and what there is for consideration, even in the democratic countries, raises doubts the other way" (50 : 146).

The Situation in America, France and Italy :

While in England even Labour Governments have failed to bring about the socialist transformation of the country, the working-class of the United States is as yet too unorganized and politically unconscious to constitute a serious menace to the existing capitalistic order. In France and Italy, the emergence of powerful Communist groups foreshadows the possibility of a forcible overthrow of the capitalist system on the familiar patterns of Russia, the countries of Eastern Europe and China. But nowhere in the world there appears to be a possibility of achieving the goal of socialism in a constitutional way.

Piecemeal Reforms by Labour Parties :

The socialist and labour parties have succeeded in certain countries in achieving piecemeal reforms but they have invariably failed to make any serious inroads upon the central citadel of capitalism. This is as true about England as about Scandinavia or Australia where right-wing socialist governments have governed for a considerable time.

It appears that Laski did not realize the full implications of his own conclusion that the political democracy does not provide the technique of peaceful change in the social and economic structure because it would have necessitated a significant revision of the whole theory of democratic socialism propounded by him.

Laski's Pessimism About the Constitutional Method :

That he certainly reached this inevitable conclusion may be demonstrated by the following remark of Laski about the liberal state. "It does not provide a technique of peaceful change. For men who have the privileges of ownership seek to maintain them, the more vehemently as they contract; and they are certain to be resisted by those excluded from them as these find their expectation of increasing material welfare disappointed. The only way open to the latter if

they wish to avoid this disappointment is to capture the state-power in order to use it for a redefinition of class-relations. Theoretically, no doubt, this can be done peacefully in a constitutional system based on universal suffrage. In fact, historically, whenever an attempt at such redefinition has been made, it has always been resisted by the owners of property who, thereby, have been possessed of the state-power. The result of the incompatibility of the views of the use to which the state-power should be put is revolution (47 : iv)."

Laski never examined in detail the shape and character of this revolution to come because it was in direct conflict with the basic assumptions of democratic socialism. It must be admitted that this is an important omission in Laski's theory of socialism.

Why Capitalism Cannot Survive ?

It is true that Laski shares the general Marxian belief in the inevitable decline of the capitalist system and its replacement by a new socialist order. He regards the twentieth century as an epoch of transition from capitalism to socialism. He has interpreted history as a continuous march towards greater freedom. The arrival of capitalist democracy represented a greater scope for freedom in comparison with the feudal autocracy which it replaced. Similarly, the struggle for socialist democracy is a struggle for a still greater scope for freedom than what people have enjoyed in a capitalist democracy (127 : 70-80).

The triumph of capitalist democracy secured genuine freedom only to the capitalist minority and converted the overwhelming majority into mere wage-slaves. The advent of socialist democracy will bring about the universalization of freedom by banishing economic inequalities from society. This means that the overwhelming masses of the world are bound to participate in the global struggle for the achievement of socialist democracy. The final success of the socialist movement is ensured by the fact that it is an international movement for the benefit of the overwhelming majority of mankind. The ultimate collapse of the capitalist system is certain with the increasing realization that it benefits the capitalist class only which constitutes a hopeless minority of every nation.

Lack of Planning in Capitalism:

Laski criticizes the capitalist method of production for its wastefulness and lack of planning. As he says, "Production is carried on

wastefully and without adequate plan. The commodities and services necessary to the life of the community are never so distributed as to relate to need or to produce a result which maximises their social utility. We build picture palaces when we need houses. We spend on battleships what is wanted for schools. The rich can spend the weekly wage of a workman on a single dinner, while the workman cannot send his children adequately fed to school. A rich *debutante* will spend on an evening frock more than the annual income of the workers who have made it. We have, in fact, both the wrong commodities produced, and those produced distributed without regard to social urgency. We have a large class maintained in parasitic idleness, whose tastes demand the application of capital and labour to the satisfaction of wants unrelated to human need" (17 : 175).

The implications of this situation are obvious. The goods needed for the wantonly luxurious life of the richer classes are produced in abundance. But even the primary needs of the working classes such as food, clothing, shelter and medical aid remain unprovided for in a capitalist society.

Profit Motive in Production:

Moreover, the central motive of production in a capitalist society is the securing of profit. The capitalists produce only those goods which are in effective demand in the market and can be sold at great profit. As Laski says, "They produce goods and services, not for use, but to acquire property from their production. 'They produce not to satisfy useful demand', but demands which can be made to pay. They will ruin natural resources. They will adulterate commodities. They will float dishonest enterprises. They will corrupt legislatures. They will pervert the sources of knowledge. They will artificially combine to increase the cost of their commodities to the public. They will exploit, sometime with hideous cruelty, the backward races of mankind. They infect with their poison those who work for the wages they offer. They induce sabotage in its varied forms. They compel strikes which result in serious damage to the community. And it is the grim irony of the system that the vaster part of those engaged in its promotion have little or no hope of enduring gain from the process they support. They may possess themselves, as in America, of the educational instruments of the community. They may even pervert religious institutions to the protection of their ideas. They do not, nevertheless, secure a well-ordered State. It remains historically

obvious that a community divided into rich and poor is, when the latter are numerous, built upon foundations of sand" (47 : 175).

Thus the root cause of the instability of a capitalist regime is that it is built upon the profit motive which penetrates in all spheres of human activity and corrupts them. The private ownership of the means of production and the craze for increasing profit prevents the full use of our natural resources and technological development and deprives the common people from sharing the fruits of such material progress which has come within the realm of technological possibility. The capitalist relations of production now work as fetters on the technological forces of production and so they must be replaced by new socialist relations.

Anxiety of the Ruling Class for Protection of its Privileges:

The ruling class always makes a desperate effort to protect its privileges. But Laski thinks that all such attempts of the ruling class to save it from its inevitable downfall are foredoomed to failure. As he says, "It may limit the right to a share in political power to those only possessed of a certain property qualification. It may model its constitution so as to limit the power to criticise the existing regime or to prevent the passage of statutes which limit the power of property. It may keep the non-possessing classes deliberately ignorant, as William Windham urged, in 1810, that they be kept ignorant. It may, as in Czarist Russia, so fiercely stifle protest that the mass of men is, over a long period, stricken into dumb inertia. It may even confer political power on the masses, and then, by the control of opinion, frustrate the full use of that power to its own needs. It may, as with Napoleon, seek by military adventure to divert attention from domestic concerns. Yet the State remains divided into rich and poor; and men, after a period, refuse to suffer quietly. Then revolution supervenes to alter the balance in the State" (47 : 176).

Laski thus concludes that the exploitative and oppressive character of the capitalist society is bound to provoke active resistance on the part of those who are exploited and oppressed by it. This resistance, he thinks, is bound to be successful in the end by the sheer predominance in number of those who will participate in this resistance.

Periodical Crises of Capitalism:

Laski agrees with Marx that the capitalist methods of production are bound to lead to periodical crises. The great depression of 1929

was the most severe crisis in the history of world capitalism and the rise of fascism and the second world war were the inevitable consequences of the crisis of capitalism. Laski is convinced that this crisis of capitalism can be solved only by adopting the socialist methods of production in the major capitalist countries. If we postpone the socialist solution of this crisis, the only alternative remains a cycle of imperialist wars.

Fascism as a Symptom of Weakness of Capitalism:

The emergence of fascist dictatorships is a symptom of the inherent weakness of the system of world capitalism. When a capitalist democracy embraces fascism, it thereby denies the possibility of peaceful achievement of socialism. But fascism with its natural corollary of an aggressive imperialism cannot be a permanent solution of the crisis of capitalism as has been demonstrated by the experiences of Italy Germany and Japan. The second world war resulted in the defeat of fascism both in Asia and in Europe and large parts of Eastern Europe and Eastern Asia were liberated from the yoke of capitalism.

Socialism and Violence:

It is true that these countries are not following the road of constitutional socialism that Laski would have liked them to follow. But he had foreseen the necessity of violent overthrow of the capitalist system in certain circumstances as early as 1935 when he wrote, "The transition from feudal to bourgeois society was only accomplished by heavy fighting. There is no reason to suppose, unless we assume that men are now more rational than at any time in the past, that we can transform the foundations of bourgeois society without heavy fighting also and the assumption of greater rationality is an illusion born of special historical circumstances and now fading before our eyes" (50 : 271).

If the capitalist class meets the socialist challenge by establishing a fascist dictatorship, the working class is bound to retaliate by a proletarian dictatorship making revolution and war a necessary element in the transition from capitalism to socialism.

Rearmament and Militarism in America:

In the post-war era, the major capitalist countries of the world including the United States are again facing a crisis of a still greater

magnitude. The ruling classes of these countries are again trying to meet this crisis by a policy of increasing rearmament and the cold war. The failure of the Labour Government in England in bringing about the necessary socialist transformation of the British society was due to the increasing burdens of rearmament. The American policy of rearmament resulted in complete reversal of the New Deal policy of President Roosevelt. But militarism and rearmament cannot be regarded as a permanent solution of the crisis of capitalism (121:499). Either capitalism would be obliged to stage a peaceful abdication in a constitutional way or it would inevitably lead to an aggressive war and perish in the course of its militarist adventures.

Preference for the Constitutional Method:

Laski prefers the constitutional road towards socialism because he does not want to lose the gains of liberal democracy in the process of achieving socialism. He wants to win socialism by peaceful persuasion rather than by the compulsion of arms. He is quite justified in believing that the zero hour of capitalism has arrived and that it must now give place to a new social system based on socialist principles. It is yet to be seen whether capitalism is capable of making a peaceful abdication from the world stage. If this happens, it will be a vindication of Laski's faith in democratic socialism. If it does not happen, it will reveal another misconception in his theory. It must be admitted that Laski's belief in the peaceful transformation of capitalist democracy into socialist democracy was somewhat shaken after the rise of fascism in Europe.

FASCISM AND NAZISM

1. THE MEANING OF TOTALITARIANISM

IN CURRENT political literature the term 'totalitarian State' is used in contrast with the term 'the liberal democratic State'. The totalitarian State claims jurisdiction over the whole of man's life. No part of the individual's life is outside its detailed supervision and control. If the Bible teaches that we live, move, and have our being in God, totalitarianism teaches that we 'live, move and have our being in the State'. According to totalitarianism, the individual's life is not his own. It is a trust given to him by the State to be used in the service of the State. In the words of Mussolini, if the nineteenth century was an age of socialism, liberalism, and democracy, the twentieth century is to be a century of authority, collectivism, and the totalitarian State.

According to totalitarianism, the State is all in all. It is omnipotent and infallible. In the words of Mussolini, 'Beyond the State, nothing'. The State is an absolute in comparison with which all individuals and groups are relative. It is an absolute, permanent, and supernaturally sanctioned institution. Mussolini's motto to the Italian people is : 'All within the State ; none outside the State ; none against the State'.

The Foreign Policy Association of America defines the totalitarian State as follows : 'For the pluralism of the modern democratic State, where the Government is only one of several groups which have the individual's allegiance, fascism has substituted the totalitarian State which embraces all the activities of individuals and subordinates them to national ends'. A high Italian official defined the totalitarian State as 'a State of truly sovereign authority which dominates all the forces of the country'.

Totalitarianism assiduously cultivates State worship. According to its teaching, the individual is to attain significance only by his service to the State and is to find complete self-fulfilment in this

service. Seiburg says that with the coming of Nazism 'there are to be no more human beings in Germany but only Germans'! Any one who wants to live 'in Germany, with Germany and through Germany is obliged to submit to the nation and to adapt himself to the totalitarian State'. 'Every individual's life belongs not to him but to the State and to the State alone'.

The Totalitarian State is thus an unlimited State. It does violence to the richness and variety of voluntary group life. Religion, morals, and education are subordinate to the State. In Italy even sporting, educational, and recreational associations were centralized in Fascist hands. Franz Schanwecher, a Nazi theorist, wrote: 'The Nation enjoys a direct and a very deep unity with God . . . Germany is the Kingdom of God'. The aim of totalitarianism is to obliterate the fundamental distinction between the State and society and make the State omniscient.

'Totalitarianism assumes different forms in different countries. It assumed the form of Fascism in Italy, and Nazism in Germany. Even in the Anglo-Saxon countries where the love of individual liberty has been strongly rooted, State activity is on the increase, and this may lead to a new type of totalitarianism which may be called democratic totalitarianism. It is possible that the United States may evolve a form of 'constitutional dictatorship'.

It is a mistake to assume that the totalitarian theory of the State was a full-fledged theory to start with, in response to which recent totalitarian movements have sprung into existence. What has happened is that the totalitarian theory has been worked out of practical movements and actual life situations. Here is a case where theory has followed facts, instead of it preceding them. This is particularly true as regards Fascism and Nazism, both of which were essentially anti-intellectual movements which could only be understood in the light of the peculiar economic and political conditions of Italy and Germany in the years succeeding World War I.

2. FEATURES OF THE TOTALITARIAN STATE

1. The totalitarian State is a repudiation of reason and a glorification of instincts and impulses. This was particularly true in Fascist Italy and Nazi Germany. The theory of the State developed in those countries was anti-intellectual. Instinct and will were given priority over reason. In the western world as a whole the conception of man as made in the image and likeness of God is declining.

2. The totalitarian State is dictatorial in character. It is opposed to liberalism and to parliamentary government¹. It vests supreme power in the hands of one individual or in one party. Russian dictatorship is a dictatorship of the left, while Italian and German dictatorships were dictatorships of the right. The former is on the whole the dictatorship of a party, while the latter was the dictatorship of an individual. In both Fascist Italy and Nazi Germany there was unquestioned obedience to the leadership of one man.

Parliamentary democracy is anathema to the totalitarian State. It is criticised as being stupid, corrupt, and slow-moving. Parliaments are looked down upon as mere talking shops, incapable of accomplishing results; at times of emergency they are absolutely helpless. According to a Fascist apologist, democracy is a decaying corpse. Totalitarianism believes in the gospel of direct action. Yet it is not autocracy pure and simple. It combines the aristocratic principle of government by a privileged *elite* with a democratic width in the basis of selection.

3. The Totalitarian State crushes individual liberty. The periodical purges of its political opponents and army generals are illustrative of this fact. Fascism and Nazism do not believe in the common man at all. They regard the conception of individual liberty as a fetish of the past.

Totalitarianism tolerates no political opposition. It is government by one party. Whatever criticism is allowed is within the party. In criticizing, the aim should be to make the existing machine work better but not to overthrow it under any circumstance. The totalitarian State allows no liberty of thought, speech, and writing. Severe censorship is exercised over the press, publication of books, radio, moving picture industry, theatre, music and art. There is no liberty of meeting or liberty of association.² Strikes were forbidden in Fascist Italy.

1. The Nazi Party slogan ran thus—'*The nation and not the individual is the first concern of Law*'.

'Liberalism is the philosophy of life from which German youth now turns with nausea, with wrath, and with a quite peculiar scorn, for there is none more repugnant, more opposed to its own philosophy. German youth today recognises the Liberal as the enemy'.
Moeller Von Der Buck, 1934.

2. 'There is no freedom of the individual: There is only the freedom of peoples, nations or races; for these are the only material and historical realities, through which the life of the individual exists'.
(Dr. Otto Dietrich—1937).

'The denial of the right of freedom of movement is a pre-requisite for the whole of our future life and must be insisted upon even if millions consider these restrictions on personal liberty as harmful'.
(Rosenberg).

'Equality before law will be conceded to all who assist the national cause and do not refuse to support Government'.
(Hitler—1933).

In Italy and Germany professors and schoolmasters were sifted and resifted. The school was used for political propaganda purposes. State centralization took the place of local life. The civil service, judiciary, army and university were purged of 'anti-national elements'. University Presidents in Germany were appointed by the Kultur Minister. No criticism of the regime was permitted in the press. Leading Italian intellectuals were killed, imprisoned or exiled. The mysterious disappearance of Matteotti in Italy in 1924 and the execution of Roehm and his group in Germany in 1934 are too well known to require comment.

According to totalitarianism, ideas are more dangerous than actions. The totalitarian state completely swallows up the individual; individual has no right against the State.

Both Fascism and Nazism carried on intense propaganda and used all possible psychological methods to appeal to the mob. They made use of marches, military uniforms, and rhetoric to rouse the people. Germany maintained prisons and concentration camps for her political opponents. Within the first few months of their coming into power, the Nazis put fifty to eighty thousand political prisoners into concentration camps. Hitler's teaching was that in propaganda the end justifies the means.

The press in the totalitarian States was required solidly to support the Government. According to Dr. Goebbels, the press was to be developed into a piano upon which the Propaganda Ministry could play any tune it liked. There was to be only one public opinion and the nation was to think unitedly. German wireless talks were one series of military and warlike harangues. Preparation for war was the one constant theme. Under war conditions to listen to enemy propaganda was a crime punishable with death. In Fascist Italy, likewise the government head of the press decided what news was to be published and what suppressed. In these circumstances it was no wonder that people even gave up the habit of reading newspapers.

The individual in the totalitarian State is completely subordinated to the authority of the leader and the hierarchy. The Fascist oath reads: 'In the name of God and Italy I swear to execute without discussion the orders of the Duce and to serve with all my strength and if necessary with my blood the cause of the Fascist revolution'. Authority, discipline, and subordination were the watchwords of the Fascist Party. The motto given by Mussolini to the youth organization of his country was 'To believe, to obey, to fight'.

4. 'Totalitarianism glorifies the nation and emphasizes the idea of the State as a power system. Narrow nationalism, chauvinism, aggressive warfare, and imperialistic expansion were some of the essential features of Fascism and Nazism.

According to Fascism, international peace is a coward's dream; pacifism is 'an act of cowardice in the face of sacrifice'. The Fascists exploit the nationalistic sentiment. They exaggerate and distort the internationalism of the socialists and communists. The jibe thrown at socialists is that they are the friends of every country but their own. In the words of Ebenstein: "Totalitarian, imperialist fascists look on war as the highest form of national life; communists—while rejecting, in theory, war between nations—accept the inevitability of war between classes and the liquidation of the *bourgeoisie* by violent means". (op. cit. pp. 342-43).

Fascist Italian education was chauvinistic to the highest degree. The schools were conducted under a system of drill and discipline, military in its character. Force and violence were extolled. The man of action was praised rather than the thinker.

Both Italy and Germany wanted colonies for expansion, for raw materials, and for the sale of their manufactured goods, as well as for the satisfaction of their 'will to power'. Mussolini said: 'Imperialism is the eternal and immutable law of life We are forty millions squeezed into our narrow but adorable peninsula'. Italian expansion, said Mussolini, was a matter of life and death. Italy 'must expand or perish'.

Mussolini and Hitler openly preached the necessity of war. It was necessary for the development of many qualities. Fascism chose an internal policy which involved war as an external consequence. Hitler believed in the power of the victorious sword. He demonstrated the truth of the remark of Lord Birkenhead that the world continues to give its glittering prizes to those who have sharp swords and stout hearts. Roehin said: 'Pacifism is, according to the view of the soldier, cowardice on principle. Cowardice is no philosophy, but a defect in character'. 'Totalitarian countries are militaristic and spend huge sums of money on armaments, even at the expense of food.

Hitler's ambition was not only to reconquer the territories lost under the Treaty of Versailles but to annex all those lands where there were substantial German minorities. Events after the Munich Agreement (1938) made it clear that Hitler would not be satisfied till he established something like a Monroe Doctrine over Central

and Eastern Europe. But the series of military reverses which he suffered at the hands of Russia made such a dream impossible of realization.

5. The totalitarian State is exclusive. It does not believe in liberalism and humanitarianism. Germany built up strong race prejudices and hatreds. It believed that the Nordic race was the best of all, although science gives us no conclusive evidence of racial superiority. While probably only less than half of the German population is Nordic, the evolution of a pure Aryan race was the aim of Nazism. The Nazis strove to safeguard the purity of their language, literature, and race.

The totalitarian State is exclusive, further, in the sense of trying to make itself economically self-sufficient. The economic policy of both Italy and Germany was to make themselves as little dependent as possible upon foreign countries for the supply of materials required for the prosecution of war. In pursuit of this policy Germany produced considerable quantities of synthetic wool, cotton, and rubber. As a State she entered the field of foreign trade and commerce with a view to pushing forward the sale of her finished goods.

6. The totalitarian State became a rival of religion. While Fascism made religion a tool of the totalitarian State, Nazism particularly bade men give unto Caesar that which belongs to God. It was out to establish a narrow, exclusive, and un-Christian Christianity known as Nordic Christianity. Whatever in the Bible, in the teachings of Jesus, and in Christian traditions did not fit into the Nordic ideology was thrown overboard. Hitler was the New Saviour. He was the Messiah, the viceroy of God upon earth. The totalitarian State was an enemy of the totalitarian religion. J. A. Spender wrote: 'Russia has tried to extirpate religion, Mussolini to sterilise it, Hitler to annex it'. It may be added that Franco exploits it.

7. Totalitarianism in all the dictatorial States became a mass movement. In the absence of a free vote, it is difficult to say how far totalitarianism is based on genuine popular support. To start with,

1. *'German land, German blood, German soul and German art—these four must become for Germans the most sacred things on earth. And when every man and woman is penetrated by these four sacred feelings, then they will be ready for that which unites and crowns them all, namely the acceptance of the German Nordic Religion'.*

totalitarian ideas and dictatorial methods were confined to a few and were even scoffed at by the many. But by grim determination and resolute purpose a handful of well-organised and well-disciplined members of such a group, with a clear idea of their political and national objective, succeeded in placing themselves at the helm of affairs. Not only that, they managed to win the solid support of the masses. In winning this support, especially in Italy and Germany, knowledge of mass psychology and practice of direct action and of terrorism played a notable part. In Germany and Italy the passion of hatred and vengeance, the bogey of Communism, and the wonderful opportunity of conquering far-flung empires, which, it was supposed, would place the people above want and give them plenty of room to expand—all these were used in winning popular support. Appeal was made not to reason but to the baser passions of man, with the result that the masses obeyed the behests of the State in a blind and mechanical manner. They were drilled and disciplined so thoroughly that they rushed to the battlefield and the conquest of other people's territory like a swarm of locusts driven to action by some blind, unreasoning instinct.

3. WHAT TOTALITARIANISM HAS DONE

However much we may disagree with the aims and policies of totalitarianism, we cannot gainsay the fact that Fascism, and Nazism gave to the people of the respective countries 'a faith to live by and a cause to die for'. It unified the people and promoted national solidarity.

Totalitarianism in Nazi Germany and Fascist Italy did some good things for the people, but it was at the expense of their freedom. It meant iron discipline, military might, and war. Whatever prosperity there was was short-lived having been based on false premises. Today under democratic regimes West Germany and Italy have made much economic progress, far greater than their progress under dictators.

Although totalitarianism in these countries has been defeated, there is no guarantee that it may not rise again. How an intelligent and intellectual people like the Germans could have given themselves over to totalitarianism and dictatorship will long remain a mystery. What the success of totalitarianism indicates is that there is in man a craving to follow leadership and authority as well as for action. If this desire is to be directed along right channels, it needs to be corrected

and limited by the other desire to develop one's own resources of self-help and self-direction as well as of one's own reflection.

4. WHAT OF THE FUTURE?

The good which the totalitarian States have accomplished is nothing when compared with the price that people have had to pay for it. As A. D. Lindsay says: 'Democracy's fundamental quarrel with such a government is not that it is a dictatorship, but that it is totalitarian, not with how the government comes into being—by election or otherwise—but with what the government sets out to do. For the totalitarian government proclaims that the only business of individuals is to serve and exalt the power and might of the State, while the democrat maintains that the only business of the State is to serve and further the free life of society' (52: 7-8).

Totalitarianism has meant the crushing of individual liberty and the suppression of human personality, violence at home and unashamed aggression abroad, the brutalizing of human nature and the militarization of a whole people. The injustices of the Versailles Treaty, which have been a blessing in disguise to the dictators in their militaristic and aggressive policies, or other injustices of the present cannot last for all time.

Totalitarianism has shown clearly that eternal vigilance is the price we have to pay for liberty. Lip service to individual liberty, equality, fraternity, and humanitarianism is not enough. It should be buttressed by positive action. What the rise and spread of modern dictatorships show is that dictatorship is the outcome of fear and insecurity. Fascism arises when the middle classes become panicky.

Totalitarianism succeeded to a remarkable extent because it exploited to the full the half truth that men are fundamentally irrational. By a careful study and skilful use of man's instincts, feelings, and prejudices, it rose to power. It has shown clearly the urgent need there is for every statesman and administrator to possess a sound knowledge of group psychology and mastery of the technique of propaganda. At a time when society and culture are becoming politicised, totalitarianism calls our attention to the urgency of an intelligent and realistic study of political forces. It further directs attention to the fact that any philosophy is better than no philosophy so long as there are people earnest about it and willing to work and die for it.

One of the fundamental weaknesses of totalitarianism is that while it has a full grasp of the gregarious nature of man, it overlooks the craving there is in every man for solitude, reflection, and self-examination.

If democracy is to succeed there is no use of it simply fighting dictatorship. Instead of being a formal concept, democracy must become a living reality, divesting itself of class domination, economic injustice and imperialistic exploitation. It must invade every sphere of life, holding aloft the apparently conflicting principles of liberty and equality.

FASCISM IN ITALY

Totalitarianism in Italy and Germany is directly traceable to the Versailles Treaty and to the events following it as well as to the Communist wave which was spreading over Europe soon after World War I.

The end of the Great War witnessed the ascendancy of liberal democracy for a while at least. Both the victors and vanquished were thoroughly tired of war. There was a genuine enthusiasm for peace, internationalism, and democracy. But the statesmen who gathered together at Versailles to shape the world were not equal to the task. The outworn doctrine of the sovereign nation State in the form of 'the self-determination of nations' was made the basis of future arrangements. This brought into existence a number of small States which could not stand on their own feet. Instead of working out a genuine European federation, the League of Nations was set up, which was used by the Great Powers as their interest dictated. Colonies were added to the victors under the guise of the Mandatory System.¹ Huge reparations were inflicted on the vanquished. Germany was told that she was solely responsible for the war, the 'war guilt clause' becoming a sore point with Germany for many long years afterwards. No serious attempt was made, at least in the early years after the war, to tackle the economic problems following the war despite the League loan to Austria and the Dawes loan to Germany. Politics and economics were kept in two different com-

1. In the words of Crossman: 'The old order of national states was re-established, the colonial empires enlarged, economic imperialism encouraged and Central Europe Balkanised'. (12 : 253).

partments, the financial control of the world being in the hands of the victor powers. Provision was made for collective security, but it practically remained a dead letter, its place being taken by what Crossman calls 'collective pacifism'. Victory seemed to have deprived France and Britain of their dynamite; their conservatives ceased to be ardent imperialists, and their socialists lost their revolutionary power'. (Crossman, 256). They still had considerable military strength, but disdained to use it so long as the *status quo* was tolerable. The myth of sanctions was invented, but was hardly used. The only time it was used (during the Abyssinian war of 1935-36) the very powers using it sabotaged it. All this meant the collapse of the democratic morale. On the other side, particularly in the immediate post-war years, there was the bogey of communism threatening to bring about a world revolution. It is against this background of the post-war European situation that Fascism in Italy and Nazism in Germany have to be understood and interpreted.

1. *The Emergence of Fascism in Italy:*

The term 'fascism' is derived from the word 'fascio' which means a bundle of rods, symbolizing discipline, unity, and strength. During the Great War it meant all those who bound themselves together to live or die 'for the good of Italy'. The first 'fascio' with Mussolini as leader was formed at Milan in 1915 and was reformed in 1919 as a 'Fighting Band' to combat communism. In the parliamentary election of 1919, the Fascists failed to secure even a single seat. Mussolini himself, heavily defeated at Milan, was described as 'a corpse awaiting burial in a ditch'. But the 'corpse' lived and within three years Fascism became the governmental authority of the country.

A series of events conspired to the meteoric rise of Fascism to power. One of these was the weakness of the post-war liberal governments of Italy. These were blamed for not having fully secured the interests of Italy in the Peace Conference at Paris. Although one of the victors of the War, Italy received no valuable addition to her territory. She was bitterly disappointed at not receiving Smyrna or any of the mandates. To add fuel to the flame, the debt to the Anglo-Saxon countries was mounting up high. A series of strikes broke out, seriously dislocating the economic life of the country. The socialists were planning a revolution. Parliamentary obstructionists were having a free hand. In the face of all this, the government of the day remained inactive, afraid to strike.

At this moment, Mussolini appeared on the scene as the 'champion of the united Italy standing for order, discipline, and a strong government'. During World War I he had shed his earlier revolutionary zeal and faith in international socialism and fought as a soldier for two years. He was now burning with a sense of outraged patriotism and was determined to make Italy a first-rate European power. He claimed that liberal democracy was a luxury which wealthy countries like England, France and America could afford, but not a poor country like Italy. What Italy wanted, he said, was leadership and discipline. The ineffectiveness of democracy in Italy, in the eyes of her people, was coupled with the effectiveness of western democracies against Italy in the Peace Conference and the years following it. This made democracy anathema to the Italians. Along with distrust in democracy there went a deep distrust of the League of Nations and a grim determination to destroy the Anglo-French hegemony. All this surging discontent found an embodiment in Mussolini.

Earlier in his life, Mussolini was strongly influenced by the syndicalist teachings of Sorel. Under his influence he was a firm believer in the general strike and class war. But the post-war Italian situation compelled him to abandon these tenets of Sorel, while not surrendering his faith in the general syndicalist position, particularly in the gospel of direct action. On August 1, 1922, a general strike was declared, and this proved to be a godsend to the Fascists. By taking over the essential services themselves, the Fascists brought the strike to a close within twenty-four hours, thereby earning the gratitude and confidence of large numbers of people.

On October 28, 1922, after the government of the day had further discredited itself, Mussolini and his followers marched on Rome and occupied the public offices, railways, post and telegraph offices, etc. This was on the whole a peaceful event. The government could do nothing but resign. A day later the King sent for Mussolini to form the Ministry, and this he did readily on October 30, 1922. After that day he was the undisputed ruler of Italy till his fall on 24th July, 1943.

In the early days of the movement, Mussolini, feeling his way to power, had no fixed programme and he changed his position more than once. He declared that what Italy wanted was 'not a programme, but action'. His early cabinets consisted of persons belonging to various parties, and it was only after 1926 that the government became exclusively Fascist and completely dictatorial. In November of that year, all political parties, except the Fascist, were suppressed

and the press was muzzled. By a series of enactments the Ministry was relieved of its responsibility to parliament and Mussolini became the 'Head of the Government', solely responsible to the King and issuing decrees having the full force of law. The ministers became the subordinates of the dictator instead of being his colleagues. He himself was called '*Il Duce*', which means 'the leader'.

The old Chamber of Deputies was abolished in 1928 and its place was taken by a 'Corporative Parliament'. This Parliament comprised 400 members representing economic interests, instead of territories and population and membership to it was manipulated by the Fascist Party organization called the Grand Council of Fascism, which was also the Grand Council of the National State. The Chamber was given no power of initiative. It could submit only proposals submitted to it by the 'Head' but could not reject them. The Head of the Fascist Party was also the head of the Fascist Government.

The Senate consisted of Princes of the Royal House and an unlimited number of members appointed for life by the King on the advice of the Prime Minister. It could debate, amend, approve or reject bills set up by the lower house. Bills amended or rejected by it were returned to the lower house for reconsideration.

2. *The Ideology of Fascism.*

In spite of the fact that Fascism reigned supreme in Italy for twenty-one years, it did not have a well-worked out theory behind it. It is the practical outcome of Italian conditions immediately after World War I. It preaches a gospel of National Action. Vitalism is its keyword. It is opposed to Individualism, Capitalism, International Socialism, Liberalism, and Parliamentary Democracy. It is particularly opposed to Communism, which is based on the idea of class war and dictatorship of the proletariat. However, unlike Communism, which has a philosophy of its own which is logically worked out in the light of evidence rationally evaluated, though the method adopted may rest upon an intellectual confusion, 'the philosophy of fascism has been largely *ad hoc* and has been patched together from the existing fund of ideas either to justify what had already been done or to meet situations that were immediately in prospect.' It 'is fundamentally irrationalist, offering a myth created by intuition or by instinct and made "true" by the very act of willing or believing it' (*Sabine*).

Fascism advocates a State with vigorous action. Mussolini wrote:

'Fascism is a religious conception in which man is seen in immanent relation to a higher law, an objective will that transcends the particular individual and raises him to conscious membership of a spiritual society.' This is a modern version of the Hegelian theory of the State. It rejects the Marxian interpretation of history as well as democratic individualism. Its basis is the idea of the Nation as the ultimate moral being.

In 1911, Mussolini wrote: '.....against others and against ourselves ..we have destroyed every known creed, spat upon every dogma, rejected every paradise, flouted every charlatan—white, black or red—who deals in miraculous drugs for restoring happiness to the human race. We put no faith in any system, nostrum, saint or apostle; still less do we believe in happiness, salvation, or the promised land. . . . Let us get back to the individual. We stand for everything that exalts and ennobles the individual, gives him more comfort, more liberty, and a wider life. We fight against everything that restricts and harms the individual. Two religions, one black, one red, are fighting today for the mastery of our minds and of the world; two Vaticans are sending forth their encyclicals, one in Rome and the other in Moscow. We are the heretics of both these religions' (12: 268).

Believing as it does in action and national unity and solidarity as against government by discussion and compromise and allegiance to international movements, such as Communism, Fascism distrusts reason. It makes a powerful appeal to sentiments and emotions, making use of such means as military uniforms, rituals, and rhetoric. It invents a myth which is calculated to rouse the feelings of the people. It assumes that the masses are not interested in politics and do not have the capacity to govern themselves. According to its teaching, what the average man wants is not the control of industry or self-government, but opportunity to earn a decent living and a national leader whom he can follow blindly. It is worthy of note that parliamentary democracy never became deeply rooted in Italian traditions; dictatorship was not an unusual phenomenon.

Based as it is on the national idea in a country where parties and the party system of government have been a source of weakness, Fascism is openly and avowedly government by one party. It allows no opposition. The murder of Matteotti, a member of the Italian Parliament, in 1924, under mysterious circumstances, is not something which can be easily explained, his only fault having been that

he spoke his mind freely in parliament. Count Balbo lost his life in Africa in an equally mysterious manner. The Fascist party is considered to be the incarnation of the new spirit. Anyone opposed to it is an enemy of the country. Even trade unions were dissolved in favour of Fascist labour organizations. Unlike Nazi Germany, Fascist Italy allowed a certain degree of freedom to the workers' syndicates and to the peasants' co-operatives.

It is a mistake to assume that there was nothing but terrorism in Italy. The chief reason for the success of Fascism for over twenty years was the dynamic leadership of Mussolini. At the time that he came into power, Italy was treated as an inferior nation by western democracies. But in a few years Mussolini succeeded in making Italy the chief Mediterranean power biding his time for domination and Empire in northern Africa. Neither the socialists nor the communists in the early years after the war were able to give Italy the leadership which she required. The socialists were slaves to parliamentary mentality, seeking to win support by argument and persuasion. The communists, on the other hand, were incessantly talking about class-war and world revolution, thus frightening not only the middle classes and financiers, but even the bulk of the labouring classes. In these circumstances it was easy for Mussolini and his party to come into power and claim that they were truly representative of the whole people.

The Fascists were nationalists first and last, but their nationalism was of a narrow and chauvinistic kind, openly advocating aggressive warfare and imperialist expansion. In their teaching and practice, Machiavelli came back to life. Any course of action was justifiable, according to the Fascists, if it redounded to the glory of Italy. During World War II Italy followed a frankly opportunist policy. The moment she found that France was weakening, she threw in her lot with Germany and succeeded in bringing about the collapse of France.

Fascism is an enemy of Internationalism. 'International peace,' it proclaims, 'is a coward's dream'. 'Imperialism', said Mussolini, 'is the eternal and immutable law of life'. Elsewhere he wrote: 'We are forty millions squeezed into our narrow but adorable peninsula.' And in order that the people of this 'adorable peninsula' may have elbow-room, Abyssinia was annexed in 1936 under a slight pretext after a most brutal warfare. 'Italian expansion', said Mussolini, 'is a matter of life and death'. Italy 'must expand or perish'. Mussolini

further wrote: "War alone brings up to their highest tension all human energies and puts the stamp of nobility upon the peoples who have the courage to meet it."

War was used in Italy to divert peoples' attention from the internal difficulties of government. Fascism deliberately chose an internal policy whose external consequence was war. It believed neither in the possibility nor the utility of world peace.

Writing on the Fascist ideology, Hallowell says that fascism repudiates the concept both of individual liberty and of equality. The individual exists for the sake of the State, which Mussolini described as 'a spiritual and moral factor in itself'.

Fascism acts instinctively, and not rationally. It considers all values as relative. Truth is what the dictator declares it to be and right is what he wills. If Nazism is a myth of race, Fascism is a myth of the nation. At the basis of both lies despair.

Ebenstein on Fascism: Analyzing the ideology of Fascism, Ebenstein claims that fascism is a post-democratic political system which cannot be understood except as a reaction to democracy. It is not possible of development except in countries with some democratic experience. But in countries where democracy has been practised for a number of years, fascism cannot easily take root.

Fascism also calls for some industrial experience. Industrial skills and resources, says Ebenstein, are necessary for the success of fascism. In its early stages it appeals to industrialists and landowners who support it with a view to averting communism or other radical political movements. The lower middle classes also support it because of their aversion to the proletarianization of society. "In times of depression, fascism appeals to the unemployed, hopeless, cheerless—the forgotten men of society". (Ebenstein, op. cit. p. 575).

In the realm of ideas fascism believes in racialism and imperialism. It believes in the idea of the *elite* nation. It denies the principle of the basic equality of people. It accepts man's inequality and even raises it to the status of an ideal.

Fascism advocates violence and falsehood and rejects accepted standards of moral conduct. It regards the State as an end in itself and the individual as a means to it. It advocates authority and totalitarian uniformity in all spheres of social activity. It places reliance upon military training and indoctrination.

It is regrettable that fascist tendencies are beginning to appear in some of the political parties of India.

3. *Achievements of Fascism.*

In the early years of their advent to power, Mussolini and his followers undoubtedly did much for their country. National finance was restored. Every aspect of national life was reorganized with a view to efficiency. Agriculture was improved. Industry was established on a firm basis. Marshes were drained and a new city was built on what was once the abode of mosquitoes. Means of transportation were improved beyond recognition. Buildings of imposing designs were constructed.

Later years, however, told a different story. The cost of living went up while wages were deliberately reduced. More was done for landlords and peasants than for industrial workers. Unemployment became a serious problem prior to the Abyssinian War, and intensive military preparation was resorted to as a measure of relief to the unemployed. There was a lowering of the standard of living. The unwholesome diet of the Italians became still worse under Fascism. Small businessmen suffered more than big capitalists. Under Fascism, as under capitalism, there were business cycles and recurring periods of depression. As Sabine observes: 'The ideals of self-sacrifice, obedience, and devotion to national welfare are not really preached with a whole-souled acceptance of their moral value. Always the hope is held out that they are means which will lead to future economic gains in the place of present sacrifice and for those upon whom the sacrifice bears most heavily.... It is the emotional substitute for a tangible good that honest fanaticism or shrewd self-interest offers to simple-minded idealism' (12 : 771-5.)

The Corporative State. Fascism claims that its most original and distinctive contribution in the economic field is the Corporative State. Its boast is that it is neither capitalism nor socialism, but something new and infinitely superior. In the words of Mussolini: 'Corporatism supersedes Socialism and supersedes liberalism: It creates a new system.' Elsewhere he says that 'of all his actions, the Corporative State is the most courageous, audacious and original, in other words, the most revolutionary'. Although we may not be willing to concede these extravagant claims, we are prepared to believe that in the idea of a corporative society, as against the Corporative State, it is possible to find the basis for the reorganization of the modern State.

In the idea of the Fascist Corporative State, medieval guild and modern syndicalist ideas are blended. As Miss Wilkinson points out

Fascism is not a blank capitalist reaction. It has its socialist elements. The Fascists, as another writer says, are socialists as well as capitalists, because both capitalistic and socialistic tendencies are real.

The Fascist criticism of present-day capitalism is that under it the employees and employers are organized into opposite camps and the common interest of the people is ignored. Fascism tries to bring together the interest of the workers, of the employers, and of the consuming public into a common whole. The guiding principles are national production and promotion of the common interest. Workers, masters, and consumers, it is claimed, all belong to an organic unity and, therefore, their interests are to be correlated.

While all this may be true in theory, the practical question which confronts us is the extent to which the Fascist State accomplished the end in question. Until 1934, Italy was a corporate State without corporations, the Ministry of Corporations having been in existence for many years preceding. Corporations were officially established by the law of February 5, 1934.

The organization of the Italian Corporative State makes it clear that to the State and the Fascist Party is given a dominant part. The reason for this exalted position is the assumption that the State and the Fascist party represent the interests of the consumers—an assumption which cannot be easily substantiated. The employers and employees are represented by two parallel sets of institutions, with the State and the Fascist Party acting as the supreme arbiter and connecting link. Government lays down certain conditions for the recognition of Corporations. Associations which do not fulfil these conditions have no legal standing. A corporation includes all the phases of production from the stage of raw materials to that of finished goods. Each Corporation is controlled by a Council which is headed by a member of the cabinet, an Under-Secretary of State or the Secretary of the Fascist Party. According to Ebenstein, the corporative state implies a distrust of the people.

The organization of the Corporative State is extraordinarily complicated. There is much duplication and overlapping. In 1925, there were 22 Corporations and 9 national confederations (later 13). The latter represent the associations of employers and of workers on the vertical principle, while the former represent them on the horizontal principle.

The powers of the corporate bodies are largely advisory. They undertake the settlement of labour disputes, conclusion of collective

labour contracts, educational and social work, and improvement of national production. They also determine wages, hours of labour, production and distribution, and exercise supervision over apprentices.

The Corporative State suggests the idea of planning, based on a collectivist rather than an individualist conception. But in reality it is not so. Production still rests upon private enterprise. Private initiative and private property are retained. According to Mussolini, private property completes human personality. It is a right, and if it be a right it is also a duty. John Strachey, who is an unsympathetic critic of the Corporative State, claims that Fascist planning is planning with the consent of the capitalist. It is planning along the lines of least resistance.

Trade unions and associations of employers were replaced by 'Corporations' wholly dependent upon the State. Workmen and employers had equal representation in the Corporation, but as Sabine says, 'it would be taking a good deal for granted to assume that equal representation means equal power or equal access to the ministry and that influence goes always through the regular channels of the Corporation'. Strikes and lock-outs were forbidden by law. The maximum punishment for striking was imprisonment for seven years. Special Labour 'Tribunals' were granted power to punish workers if more than three simultaneously quit work. Labour courts settled all differences arising between the classes in the interest of the whole nation. They did not have to wait till they were called upon to arbitrate but could intervene even before. This, said John Strachey, looked like a reimposition of old Combination Acts. A Charter of Labour was given to the labouring classes guaranteeing to them certain privileges such as holidays with pay, medical aid at nominal cost, compensation of various kinds, old age and death insurance, etc. Joad hailed the Charter as the 'Magna Carta of Labour'.

Not only strikes were forbidden, but also speculative and excessive profits. Prices were lowered by government decree in 1930 and 1933. The employer was not allowed to do what he would with his own.

The Corporative State increased production, but did not bring about any great improvement in real wages. After 1926-27, the Italian banks were controlled, the Bank of Italy regulating all credit. No new bank could be opened without government consent. Certain industries such as the iron industry were amalgamated, while others such as shipping were subsidized.

'The motive behind all this planning in both Italy and Germany was imperialistic expansion and war. Industry and even agriculture were under the control of an advanced degree of government regimentation. The whole structure was patterned after the army and 'built around the principle of hierarchy, unity of command, and discipline'. It rested entirely on the Party, 'which is just as much the mainstay of the economic system as it is the pillar of the political regime'.

Although we do not approve of all that was done in Italy in the name of the Corporative State, the idea of corporative society is one which cannot be slighted. As Rev. P. Carty points out, the common good of society, the rights of the State, and those of individuals should be equally respected and promoted. The trouble with the Corporative State of Italy was that it was organized for war. What we want is a corporative society organized for peace. Instead of the State taking the initiative in creating corporations, corporations should be the result of 'the private initiative of free men organising themselves with the approval of the State'. This is the chief difference between the Corporative State and Corporative Society. Besides, a corporation should be free from the control of a political party, its functions being economic and social and not political. Instead of trade unions and employers' associations being abolished, as in Italy and Germany, they should become part and parcel of the corporative society.

To quote Prof. Carty again, in the corporative society each corporation which represents the permanent interests of a definite community will be approved and controlled by public law. Within the limits allotted to it by the Charter, it will be governed democratically, exercising over its members legislative, executive, and even judicial functions. This does not mean the annihilation of State sovereignty. It only means 'autonomy to a degree compatible with the general public good and limited by the Charter conferred by the State' (II : 154). Equal representation will be given to employees. After full discussion the corporation will draw up a code which will be 'binding on the whole professional group for a specified time' (II : 155). Such a code, before becoming effective, will have to receive the approval of the State which will scrutinize it from the point of view of the general common good and integrate the various codes into a human economy.

The code will regulate 'the strictly economic activities of the given professional group ; volume, trade, quota and technique of produc-

tion; prices and marketing; advertising; tariffs; proposed dealings; with allied occupational groups etc. ;' (11 : 155). It will also 'regulate social-economic relations within the profession itself; wages, hours and condition of work; compensation; paid holidays; family allowances; profit and management sharing various forms of insurance' (11 : 155).

With such a system of Corporations, the State will be free to devote its time to political and military functions, the corporations looking after the economic and professional interests of its members. It is difficult to say in detail what the ends, methods and powers of each corporation should be. The aim may be 'to maximize production, to maintain remunerative prices, to eliminate competition, to seek the maximum national strength or the maximum social peace.' Whatever the aim may be, which is bound to vary according to time and place, 'the governing consideration should be the promotion of an intelligently and practically human end'.

NAZISM IN GERMANY

1. *The Emergence of Nazism:*

The circumstances under which Nazism arose in Germany were in many respects similar to those under which Fascism had its origin, although there were some striking differences.

Germany was defeated and disillusioned country in 1918. The people had been taught to believe that their army was invincible, and when it went down before the allied troops, it caused great consternation. The Treaty of Versailles, which brought the war to a close, was never popular in Germany. It soon came to be characterized as a dictated peace. Many of the terms were harsh and were calculated to reduce Germany to a second or third rate power in the international world. A heavy disarmament programme was laid down, lowering the military prestige of Germany. For years, a German air force was officially forbidden by the Treaty. Huge reparations were demanded from Germany which, in the very nature of the case, she could not pay. It is true that they were scaled down later, specially by the Dawes Plan and Young Plan, and were finally repudiated altogether. But as long as the demand lasted, it infuriated the people and made the young feel that for many long years to come they were destined to be wage slaves of the allies.¹ The zone to the

1. Writing in 1932, a young German said : 'We belong to a youth without hope in the future and without happiness in the present.'

left of the Rhine was demilitarized and severe restrictions were placed on the possibility of Germany reasserting herself in the military field. When the reparations were not forthcoming, France and Belgium invaded the Ruhr in 1923 and kept their armies of occupation there for some years.

To add to all this, Germany was deprived of her colonies, which, by the astuteness of the allied politicians who were able to pull the wool over the eyes of President Wilson, were parcelled out among the allies in the form of mandated territories. A high-sounding scheme known as the Mandatory System was brought into existence, and the claim was made that the primary object of the Mandatory powers was to train their wards to the status of self-government as speedily as possible. What a vast gulf there has been between profession and actual deed is too well known to need comment! Barring a few exceptions, the victors proceeded to treat the Mandates as their colonial possessions.

Within Germany itself there was economic collapse. The mark was depreciating fast and inflation came about. This meant the virtual wiping out of the professional classes. While the middle classes were reduced to poverty, the new rich who had profited during and after the war were making a conspicuous display of their wealth; and among this group there were not a few Jews. Unemployment was mounting up high, the number in 1932 reaching the peak figure of 6 millions. German heavy industries were dismembered by the new frontiers which completely altered the map of Central Europe, depriving Germany of part of her territory and distributing some of her nationals over foreign lands.

When Germany was in this precarious condition, communism was making rapid headway and it looked as though Germany might fall a prey to the rapidly spreading communistic ideologies and methods. The only alternative to such a possibility seemed to be to frame a democratic constitution for Germany on the traditional lines of Western democracies. The Weimar Republic was the result of it. But from the beginning it was unpopular with the people. It was a professor's constitution, altogether academic and failing to take into account peculiar German traditions and temperament.

Instead of enthroning autocratic authority which the German adores, he was given a President, a Chancellor, and a Cabinet responsible to Parliament, and a long list of fundamental rights. Besides, those who were responsible for the Weimar constitution were blamed

for not securing the best terms possible from the allied victors. The humiliation of national pride deeply affected the old ruling class, the bureaucracy, and the middle classes. The Treaty of Versailles and the German Republic were accepted as necessary evils; and the only ones who had any enthusiasm for them were the industrial workers.

The various governments which came and went under the Weimar constitution had insuperable difficulties to face: discontent and sullenness within the country and attempt to fulfil impossible conditions imposed upon them from without. Between 1919 and 1933 there were 21 cabinets headed by Chancellors. There were innumerable parties working at cross purposes with each other, 38 having participated in the 1932 elections to the Reichstag. The Social Democrats who had a large following could have been the saviours of the country if they had been true to their professions and adopted a far-reaching and constructive programme for the economic rehabilitation of the country. But in their fear of communism, they were afraid to take bold steps, and, instead, compromised with the industrialists and the landed aristocracy. The consequence was that so far as the distribution of political power is concerned, Germany under the Republic was not much different from Germany of the pre-war days. According to John Strachey, it was the weak-kneed and compromising policy of the Social Democrats which directly led to rise of the Nazis to political power.

The allied policy was to weaken Germany and to keep the democratic government of the country under their control. In the early years of the Peace, there was a disposition to extract Shylock's 'pound of flesh' from Germany. Nothing but cold reception was accorded to any suggestion for the removing of some of the unjust clauses of the Versailles Treaty. Even some of the most modest requests of the German statesmen were contemptuously rejected. Concessions were made subsequently but they were too late. The Rhine was evacuated in 1930, five years before the time contemplated. In 1932, the reparations were written off. But for none of these credit was given to either the Republican Government of Germany, which won these diplomatic victories, or to the allies which granted them.

It is against this political and economic background that we have to understand the rise to power of the Nazi movement. When it originated, it was an inconspicuous movement confined to some 28 people. The founder of the movement was a locksmith by the name of Anton Drexler. It had no definite programme to start with, except

its refusal to accept the defeat of the German army, claiming that at the moment of success it had been 'stabbed in the back'. Of the 28 original members only six were active. Adolf Hitler was admitted to it as the seventh member. At the time, Hitler was an altogether unknown person. He was an Austrian German and had migrated to Germany in 1912. He fought during the war and was wounded, receiving an Iron Cross in recognition of his services, and having risen to the rank of a corporal. Mussolini, his counterpart in Italy, on the other hand, was a national leader and had played a notable part during the War even before he established the Fascist dictatorship.

A point of difference between the two men was that while Mussolini was a brilliant thinker and had a flair for philosophy and political theorizing, Hitler was an imperfectly educated man, though endowed with great native gifts. He was a bundle of sentiments and emotions, with an over-developed sense of his own importance. He had probably never read in their original, the writings of Hegel or Houston Chamberlain, many of whose ideas he incorporated into *Mein Kampf*.

The movement to start with was known as the German Workers' Party. But in 1920, the second year of its existence, it came to be known as the National Socialist German Workers' Party and still later as simply the National Socialist Party. The final change was indeed significant because it served as a party label in bringing together all those who claimed to be nationalists and socialists. The programme of the party, as outlined at the beginning by Gottfried Feder in twenty-five paragraphs, contained several radical demands such as the abolition of unearned incomes, the confiscation of war profits, nationalization of trusts, expropriation of land, etc. Nobody took the movement seriously during its early days, although it was clear that it was a reaction to the national humiliation to which Germany had been subjected by the allies. Members of the lower middle class and of military organization and students were attracted to the movement, but the bulk of the industrialists and the upper middle classes kept away from it. Those who were drawn to the movement were drawn not so much by the radical programme as announced by the party, but by its militant spirit. Hatred and vengeance were the bases upon which the party was founded. It was pledged to fight all the enemies of 'true Germany', particularly the 'Marxist-Liberals', the Communists and the Jews.

Up to 1923, the movement spread gradually. In that year, Hitler

participated with General Ludendorff in a *putsch* in Munich, which was a failure. Hitler was arrested, tried and sentenced to imprisonment for a period of five years but was released after eight months. During this period of enforced leisure he wrote his *Mein Kampf*, which became the Bible of Nazism.

From this time on the movement began to increase in numbers and popularity, gaining momentum as it went on. The radical programme of its earlier days was modified in such a manner as not to frighten the propertied classes. 'Expropriation of land without compensation' was, for instance, interpreted in such a manner as to apply only to 'Jewish speculators in land'. Some of the ex-officers of the Army who had joined the party helped to build up the 'Storm Troopers', who became the military backbone of the party. Military marches, uniforms, party symbols, like the swastika, and fist fights with the police and the communists, all these appealed to the romantic and fighting instinct of the German youth. Other factors which played a notable part in winning adherents to the party were the skilful use of propaganda by the Nazi leaders, the passionate oratory of Hitler, and the incessant appeal by leaders to sacrifice and discipline in the name of a greater and unified Germany.

As time went on the industrialists, propertied classes, and bureaucracy became more and more sympathetic towards the Nazi cause. The advocacy of an aggressive nationalism appealed to them, especially when they knew that Hitler did not mean to put into operation the radical demands of the party as expressed in its earlier days.

Although there was nothing spectacular in the growth of Nazism in its early years, the tide turned definitely in its favour in 1929, and the world depression and widespread unemployment of this period gave a fillip to the movement. In the 1932 election to the Presidency, Hitler stood against Hindenburg and secured 11.3 million votes on the first ballot and 13.4 million votes on the second. From this time on, the Nazi party was the strongest party in the legislature, although there were some temporary setbacks later. The Social Democrats had little more than half the number of seats secured by the Nazis. Hindenburg called upon Hitler to form a coalition government in November, 1932, but this he refused. The offer was repeated on January 30, 1933, and this time it was accepted. From that time on, Hitler and his Nazi associates reigned supreme in Germany.

The first Cabinet of Hitler was rather mild and non-revolution-

ary. But the party had immense sway over the country by its thorough organization and the control it had of the political machine and the police. The Reichstag was dissolved on March 5, 1933, and the mysterious fire which had consumed the Reichstag building a few days earlier was made out to be the signal for a great communist rising. In the confusion which followed, the President suspended several of the fundamental rights of the citizen guaranteed by the constitution. Elections to the Reichstag were held in this tense atmosphere and the Nazis secured 52 per cent of the seats. The 'Enabling Act' over which the election was fought and won gave the Nazi government practically unlimited power for four years.

From then on, the typical Nazi programme was put into operation. The civil services and the judiciary were purged of 'non-Aryan' elements. A people's court was set up to act as a convenient tool in the hands of the Government. The press, the radio, the theatre, and the cinema were placed under the control of Dr. Goebbels, Minister of Enlightenment and Propaganda. Schools and universities were similarly placed under the guardianship of the Minister of Education. A law was issued making the Nazi Party the only legal party in the country, and the setting up of any other party was declared to be a criminal offence. Trade unions were dissolved and labour was brought under the control of the Nazis. Elections to the Reichstag were held in November, 1933, and the Nazis secured 92 per cent of the total votes cast, not without the use of much direct and indirect pressure. On the 1st December, the party was incorporated into the machinery of the State.

The federal system was abolished and each of the Reich States (now divided into artificial districts) was placed under a personal representative of Hitler, endowed with virtual dictatorial powers. The next step was to abolish the upper house, the Reichsrat, which had hitherto represented the component units. When Hindenburg died in 1934 Hitler combined in his own person the powers of the President and Chancellor, and in his hands were also concentrated supreme executive and legislative powers. He became the Chancellor and Fuehrer and the undisputed ruler of Germany. The Reichstag was summoned occasionally, not to make decisions but to applaud the doings of Hitler.

2. *The Ideology of Nazism.*

It is not easy to state the ideology of Nazism, inasmuch as Nazism is not a well-worked out theory of State or government, but a

movement which arose in response to a widely felt emotional need. Its roots, therefore, are founded in the peculiar mental and emotional set-up of post-war Germany, and especially of Hitler. It is true that some of the elements of the Nazi political theory run true to the German type, but many of them can be explained only in terms of conditions in post-war Germany. The personality of Hitler and his peculiar psychological complexes on such questions as rank and the place of women in society have been so intertwined with the Nazi theory that it may be more accurate to describe Nazism by the appellation 'Hitlerism'. The spiritual progenitors of the movement were such great German idealists as Kant, Fichte, and Hegel, Gobineau and H. S. Chamberlain, and the Italian Mussolini.

True to the German tradition, Nazism elevates the State to a dizzy height. But this is done not in a highly philosophical way as was done by Hegel, but in a tremendously practical way in response to the actual needs of Germany. Realizing that national unity is the first requisite of redeeming the national pride of the country the Nazis look upon the State as a superhuman entity. The *Volk* or, Community, is the raw material out of which the State is built; and in order that the *Volk* may be strong, the motto which the Nazi party continuously placed before the country was 'the interests of all before the interests of one'. According to Hitler's philosophy, 'the individual is nothing, *das Volk* is everything!' Emphasis is placed on duties rather than on rights.

Contrasting the English tradition of the State, which looks upon the State as a servant, with the Prussian tradition, according to which the State is a master, Spengler writes: 'There we see personal responsibility, self-determination, resolution, initiative; here loyalty, discipline, selfless renunciation, self-training...'. 'The individual does not count; he must sacrifice himself to the whole. Not each for himself but all for all, with that inner freedom in obedience'. This means that the individual is to have no freedom of choice or private initiative. He is to find his meaning and happiness in implicitly obeying the behests of the well-ordered State. Compulsory service of the State constitutes perfect freedom. In this teaching of the Nazis we hear an echo of Hegel's teaching on the *Sittlichkeit*. The practical outcome of this type of teaching, as a shrewd observer has remarked, was to make Germany great but the Germans small.

The Nazi Party was the connecting link between the *Volk* and the State. It organized the people into a strong unit and enabled them

to work together in union under common leadership. What the State did was to lend the weight of its sovereign authority to the programme and activities of the Party. 'This meant in practice that the State was the Party and the Party was the State. No other party could be tolerated because it meant the weakening of the State and the frittering away of its energies. According to the Law of July 1933, '(1) the National Socialist German Workers' Party is the only political party in Germany; (2) Whoever undertakes to maintain the organization of another political party, or to form a new political party is to be punished with imprisonment in a penitentiary up to three years'. It was no wonder that Hitler and his associates poured contempt on parliamentary democracy and democratic institutions. What they wanted was national unity and solidarity, and no opposition of any kind.

True to their traditions, the Nazis conceived of the party in terms of leadership and hierarchy. 'The hierarchy which they advocated was not one which worked from bottom upwards but in the reverse direction. The leadership contemplated by them was not the democratic leadership which was broad-based and was both responsive and responsible to the desires of the people, but a leadership which was taken by the strong arm and was maintained by it. According to the Nazi philosophy, some are born to lead and others to follow. Hitler was the head of the State, of the Government, and of the Army. His word was law. All his associates in the task of government were his nominees and extended to him the most loyal support. The Storm Troopers and the Black Guards who were originally formed to protect the party and maintain public peace and on whose backs the Nazis rose to power, were organized in a military fashion, and their first concern was the safety and welfare of the Leader. There were even suicidal squads in Germany ready to commit suicide if Hitler gave the word on behalf of the State and the Party. The Party invaded every sphere of life. The provincial and district officers were all leading members of the Party appointed by Hitler on the recommendation of the Minister of the Interior. In the place of the old trade unions there were Nazi cells in the labour unions carrying on vigorous Nazi propaganda. The Labour Front was a complete Nazi organization. Nazi agents were found everywhere, even in the innermost recesses of the family. It was not unusual for children to give evidence against their parents or vice versa if there was the least suspicion of the slackening of enthusiasm for the Nazi

cause on the part of the parents or children. The Hitler Youth, which was an organization of the young people of the country, was a powerful ally of the Nazis.

The ascendancy of the Nazi Party and its spreading itself over the whole life of man meant regimentation of the worst kind, although such regimentation was in accordance with the German temperament and tradition. Prince Bulow was not wrong when he described his countrymen as 'unpolitical' in the sense that they lacked a sense of civic rights and civic courage. However courageous the German may be on the battlefield, he has not got the moral courage to stand up to his rulers. He simply crows down before them. This accounts for the startling acquiescence of the German in war and aggression, and for his dubious political morality. It also explains the reason why he readily agrees to strict censorship and imprisonment without trial. According to a well-known German newspaper (1936), 'Concentration camps are no disgrace; on the contrary they are an ornament to Kultur. Here neglected individuals are educated to real life with the firmest kindness!' While listening to enemy broadcast in Germany was a serious crime, the harangues of Lord Haw Haw from Berlin formed a national amusement of Englishmen.

The characteristic feature of the State is, according to the Nazis, Vigour and Force, and not Justice or Morality. Nazism stresses the German doctrine that might is right. In the words of Fichte who wrote in the nineteenth century: 'Between states there is no law save the right of force'. Nazism preaches and practises the gospel of the victorious sword. In the words of Hitler: 'He who would live must fight. He who does not wish to fight in this world has not the right to exist. Such a saying may sound harsh, but that is how the matter stands.' Dr. Krieck, Headmaster of the Mannheim Public Schools, said: 'The task of the universities is not to teach objective science, but the militant, the war-like, the heroic'. General Von Seeckt, a former chief of the Reichswehr, wrote: 'War is the climax of human achievement. War is the natural and last phase of development in the history of mankind. War is the father of all things. War is the most simple affirmation of life. Suppress war, and it would be like trying to suppress the operations of nature. These are also terrible. Every living thing is terrible.'

While they were making vigorous preparations for war, the Nazis made the world believe that they were ardent lovers of peace and that whatever military preparations were being made were in the

interest of all. As late as 1935, Hitler said at a party meeting: 'There can be only one yardstick for our conduct, our great, unshakable love for peace.' In accordance with the Nazi creed, pacific professions were made in order to lull the enemy to sleep. But the moment Hitler felt strong enough to exhibit his military strength, he began to annex neighbouring territories under one pretext or another.¹

The early pretexts for the use of force were the undoing of the injustice of Versailles and the gathering together of all German people under one flag. From being a purely nationalist movement, Nazism soon came to mean a pan-Germanic movement.

German minorities living in foreign lands were instigated to stir up trouble and pretend that they were being mercilessly treated by their foreign masters in order to give the Nazis a chance to annex the territories in question. This happened to Austria, Czechoslovakia, and Poland.

Not content with annexing territories where there were considerable German minorities, Hitler, set on world domination, brought under his heel Norway, Denmark, Belgium, Holland, France, Greece and the Balkan States.

For months before World War II commenced, Hitler made it a matter of deep grievance that the colonial possessions of Germany, taken away by the Versailles Treaty, had not been returned to Germany. His constant plea was for the restoration of the 'stolen property', taking care at the same time not to say anything about the rights of those from whom the original theft took place. He also used such plausible arguments as were contained in phrases like 'living space' and 'encirclement', to cover up his aggressive design and to stir up the emotions of his followers. The Nazi movement thus begun as a purely nationalist movement, soon passing into a pan-Germanic movement, became a ruthless imperialistic movement and a menace to world peace.

Standing as it did for a strong and vigorous German people and a warlike German State endeavouring to assert itself over the whole world, Nazism was intensely racialistic and found in the Jew a convenient scapegoat for the miseries of Germany during the preceding twenty years. The myth of the Aryan race was invented and drastic steps were taken to extirpate the so-called non-Nordic

1. Apropos of German militarism, Mirabeau once said about the third Reich, "Prussia is not a state possessing an army, but an army possessing a state." (101-697).

element from the German soil. Blatant lies were uttered in rousing popular indignation against the Jews. In one of his earlier speeches Hitler exclaimed: 'What? You German people, the noblest in the world, you in whose veins runs the Germanic, Nordic, Aryan blood, you are reduced to poverty, to misery! You know not whence your bread will come tomorrow, and why? Because your armies were defeated in the war? No. They were never defeated. Never! They were victorious everywhere, but when they were on the eve of final victory they were stabbed in the back by Jewish-Marxist traitors.' A popular Nazi saying was: 'The Jew is our misfortune. Hitler is our Saviour'. In the treatment of the Jews and their political opponents, the Nazis practised cruelty and acts of sadism unbelievable in the twentieth century.

The Nazi theory was that the Aryans were the master builders of civilization and that the rest of the world was composed of lesser breeds. According to Hermann Gauch, 'The non-Nordic man occupies an intermediate position between the Nordics and the animals, next to the anthropoid ape. He is not a complete man. He is really no man at all in true contradistinction to animals, but a transition, an intermediary stage. Therefore, apt for him is the appellation subhuman.' According to the same high authority: 'It has not been proved that non-Nordics cannot mate with apes'. They cannot profit by education or changed environment.

The scientific belief that there is probably no pure race anywhere in the world did not trouble the Nazis in the least; nor the fact that probably less than half of the German population is 'Nordic', a large part of the remainder being of the Alpine stock. In the name of race purity, mixture of races was totally prohibited and public servants could not retain their posts if they or their forbears as long ago as two or three generations had had Jewish blood in their veins. Even if the wife of a public servant had a trace of Jewish blood in her veins, the husband could not retain his post.

To this extreme racialism were added an intense devotion to German paganism in religion and to the theory that the German woman is valuable only as a breeder of pure Nordic children and the preserver of the Nordic race. Both Catholicism and Protestantism were condemned because of their internationalism and 'slave morality.' Prof. Ernst Bergmann wrote: 'We of the German religion today turn to this ancient Nordic, Indo-Germanic Light-Hero figure and get rid of a false and diseased Christ picture created by the Christian

Pope and Church to the hurt of humanity. The high priest of the new German paganism is Hitler himself. He is the real Holy Ghost. Hitler is lonely. So is God. Hitler is like God. Hitler is a new, a greater, and a more powerful Jesus Christ.' The Christian churches of Germany were muzzled and dared not open their mouths for fear of concentration camps.

In the Nazi scheme of things, according to Herr Von Papen, 'Mothers must exhaust themselves in order to give life to children. Fathers must fight on the battle-field in order to secure the future for their sons.' The declaration of the Women's Order of the Red Swastika claimed: 'There is no higher or finer privilege for a woman than that of sending her children to war'. According to Hitler, who was a confirmed bachelor until shortly before his death, 'In the education of women emphasis must be laid primarily on physical development. Only afterwards must consideration be given to spiritual values and lastly to mental development. Motherhood is undeniably the aim of feminine education'.

Some Nazi writers openly advocated sex immorality if it would result in the multiplication of thorough-bred Nordic children. Thus Dr. Willibald Hentschel wrote: 'Round up a thousand German girls of the purest stock. Isolate them in a camp. Then let them be joined by a hundred German men equally of purest stock. If a hundred such camps were set up, you would have a hundred thousand thorough-bred children at one stroke.'

The Nazi State encouraged large families by its taxation policy and in a score of other ways. It looked upon birth control as a sin against the nation and it regarded the home as the natural place for women. This latter belief was later relaxed on account of the exigencies of war.

In all of this there is no doubt a high type of 'idealism', but it is directed along wrong channels. There is no humanity or fellow-feeling for outsiders. The Nazi theory of the State, as well as of Society, places great emphasis on leadership, discipline, authority, unity, and even rigid uniformity. Nazism is a sworn enemy of individualism, liberalism, pacifism, internationalism, socialism and communism. It condemns liberalism as too easy-going and characterizes it as a luxury which a struggling people like the Germans can ill afford. It frowns upon the Marxist class struggle as being destructive of the spiritual unity of a nation. It looks upon international peace as a coward's dream. In the words of Herr Buch

(1937) : 'Whoever wishes to play a leading part in Germany can no longer belong to any group which in any way has internationalities.'

When we turn from the political to the economic theory of the Nazis, we find the same emphasis on national unity and solidarity. General welfare is placed above private interest, and a policy of autarchy aiming at the economic self-sufficiency of Germany was systematically followed. Both undiluted capitalism and socialism are rejected because they divide the people into warring camps. The capitalist as well as the labourer is controlled in the name of the State and for the sake of the people, and there was in Germany no separate organization for employers and employees as was in Corporate Italy, because Nazism denies the existence of any conflict of interest between capital and labour. Both employers and employees were induced to join the Labour Front, which was closed to Non-Aryans. Big industries were allowed to continue but were rigidly controlled by the State. No money was allowed to be taken out of the Reich. Fresh capital could be obtained only with the approval of the State. The Reich Chamber of Economics, working under the Minister of Economics, controlled industry, commerce, banks, insurance, public utilities, and handicrafts without disallowing private enterprise. After 1933, the German Government exercised complete control over the banking system of the country. Government permission was to be secured for the import and export of goods. Strikes and lockouts were forbidden. 'Courts of Labour' were set up for trying offences which were considered a breach of 'social honour', *i.e.* against the self-respect of labourers. Wages and prices were fixed. Hitler believed in giving the small man a chance. The whole economic structure, like the political, was built on the leadership principle and was patterned after the army. The rights of private property and individual initiative were subjected to greater restrictions in Nazi Germany than in Fascist Italy.

In relieving unemployment, the rearmament programme of Germany, coupled with public works programmes including housing highway construction and land reclamation, played a notable part. Young men under 25 in some cases were replaced by older people. Women were displaced from industries in order to give place to men. Families were encouraged to engage extra domestic servants by granting them a special income-tax allowance.

In order to conserve their food resources for war purposes, many articles of food were severely rationed. 'Guns for butter' was the

slogan of the country. Outlining the Nazi policy in 1935 Goering said: 'We had to make up our minds whether we would use our foreign exchange for metals or for other things. We could either buy butter and surrender our freedom or we could seek to win our freedom and give up butter. We have decided in favour of the latter. 'The German people has demonstrated that it is ready to make great sacrifices for a great purpose'. 'Eat National Socialist'! was a slogan issued by the Nazi Health Bureau in 1936. All of this goes to show that for many years the German people were placed under a 'perpetual war economy'.

In the carrying out of the Nazi programme and the working out of the Nazi theory, the powerful personality of Hitler, ruthless organization and vigorous propaganda played an unusual part. Though a man of action, Hitler was also a dreamer and mystic. He looked upon himself as an instrument of world destiny. In order to keep himself fit for the service of his country he was abstemious in his habits, ate no meat and neither drank nor smoked. The same rigid discipline and single-minded devotion to the State and the people he demanded of his followers. He was the incarnation of an idea. By his savage oratory he exercised mass hypnotism. It was no wonder that the people of Germany elevated him to the level of a deity. In the words of a writer of that time: 'He does not talk—he orates; he does not discuss—he pronounces judgment; he does not walk—he strides'. It is likely that history will consider Hitler the most conspicuous madman of modern times.

The Nazis proved themselves to be powerful organizers and master propagandists. There was no one in Germany who did not feel the influence of the Nazis at every turn. Children, young people, women, industrialists, and labourers were all organized into Nazi propagandists. Men like Goebbels, Goering, and Ley gave the word and, in the twinkling of an eye, it was broadcast through the length and breadth of the country. Hitler, who was a master of the art of propaganda, gave his own prescription for successful propaganda in the pages of *Mein Kampf*. 'Effect on the broad masses, concentration on a few points, unremitting repetition of them, self-assured and self-confident formulation of the text in the form of apodeictic assertions, the greatest perseverance in propagation and patience in awaiting result.' Hitler laid down the maxim that the lower the intellectual level of propaganda the greater the number of people who will be embraced by it. Paraphrasing it, Goebbels said: 'Propaganda is the

art of simplification'. Writing on the gullibility of the Germans, Hitler said: 'The German has no idea how much people must be misled to obtain the support of the masses.' Propaganda, he further said, had nothing to do with abstract truth. He expressed the view that 'a bold life, if big enough, is likely to gain credence by its very bigness.'

The pulpit and school, the stage, cinema and radio, the press, art, science and literature were all made to do service to the Nazi cause. Nazi propaganda was introduced into every subject at school. Arithmetic was made a matter of estimating the size and destructive force of bombs, and religion became worship of the Fuehrer. When the child returned home from school for lunch the parents greeted him with 'Heil Hitler,' a phrase which the German used from 50 to 150 times a day. Every man, woman, and child was required to belong to at least one Nazi organization. A Nazi school text-book which every German child was required to use contained the following precious sentiment:

'Our Leader, Adolf Hitler,
We love you
We pray for you
We like to hear you
We work for you, Heil'.

3. *Estimate of Nazism:*

Nazism was the greatest menace of mankind in the thirties and forties of the present century until it was thoroughly defeated in 1945. Though defeated, it is still capable of resuscitation in new forms. It shows how ordinarily intelligent people can be led astray by constant appeal to their baser instincts and emotions.

Nazism has the wit to make the maximum use of the grievances of a war-weary people, to find a scapegoat for all their ills, and to offer them specious remedies. It started as the last bulwark of capitalism. Once in power, it acted independently of capitalists and proceeded to destroy capitalism. It used socialistic methods and socialistic institutions not to establish socialism and social justice but to build up a military state on a totalitarian basis. Economic considerations were subordinated to military expediency. A dictatorship was established on a broad popular base, and the leader came to be regarded as almost God on earth. Liberal traditions were swept aside with a few master strokes and people became hypnotized. Brutality and violence came to be the order of the day. The greatest

war of all times was let loose on earth, causing incalculable destruction for almost six years. The myth of race was so assiduously cultivated that the Jews came to be pictured as the very embodiment of evil. Nazism was in the words of Hallowell 'the political manifestation of spiritual, intellectual, social and political anarchy'.

The lessons to learn from the rapid rise and downfall of Nazism and Fascism are many. Man is still far from being a completely rational creature. Therefore, his blind passions and impulses need to be kept under proper control. If liberalism becomes weak-kneed and is afraid to protect the civic and political rights of its people, it throws the door open to Fascism. Democracy as a political constitution is of no avail unless it can daily be translated into economic and social justice and has behind it an unshakable faith in God and an equally unshakable faith in human beings and their high destiny, not as a mass but as individuals.

Irrationalism and militarism bring their own reaction sooner or later. Thought and reflection are inimical to the fascist mentality which is a denial of reason. Militarism soon brings its own destruction. 'They that take the sword perish with the sword. Racialism is a barbarism which the world cannot tolerate any longer with safety. Political and economic nationalism are fast becoming outmoded and, therefore, people need to orient themselves to the new concept of a world democracy and world citizenship.

Fascism as an Antithesis of Laski's Political Philosophy:

The exact antithesis of Laski's political theory may be found in fascism. The fascist conception of political dictatorship may be contrasted with Laski's faith in parliamentary institutions and constitutional government. Similarly, the refusal of the fascists to alter the class relation of a capitalist society is in direct opposition to Laski's demand for a redefinition of class relations on a socialist basis (50 : 130). Aggressive militarism and imperialism of the fascist nation-state may be regarded as the repudiation of Laski's ideal of world peace and international co-operation through the agency of a world organization like the former League of Nations or the present United Nations Organization. Lastly, the Nazi policy of a systematic suppression and persecution of the Jews had a personal significance for Laski inasmuch as he himself was a Jew. It is not surprising, therefore, that Laski should reserve his bitterest comments he ever made to be hurled against the fascist system (131 : 105).

Incoherence of Fascist Theory:

It is not easy to describe the theoretical assumptions of fascism in a coherent way because it has no consistent philosophy of its own. The fascist theory is rather a generalization of the fascist practice. In fact, the fascist movement has preceded the fascist theory. It has been constructed partly as a justification of the strategy and tactics of the fascist movement and partly as a repudiation of the principles and policies of its political rivals.¹

Fascist Movements Born of National Humiliation:

Both in Italy and Germany, the fascist movements were born out of national humiliation and frustration. The aggressive nationalism of the fascists was an antidote to this aspect of national psychology. The economic crisis was ruining the middle class in both these countries. The fascist theory of the corporate state based on the cooperation of all classes retaining the privileges of the upper and middle classes and guaranteeing full employment to the working-class created a powerful mass movement with the main support of the middle class but in which all other classes also participated. The fascists also exploited certain myths like the racial myth of the Nazis to consolidate their movement and attempted to put forward a pseudo-scientific explanation of such myths.

Need for Contradicting Rival Political Theories:

Besides this rationalization of the strategy and tactics of fascism, the fascist theory included certain assumptions which were accepted for no other reason but to contradict the theoretical assumptions of the political rivals of the fascist movement. In the first place, its theory was built upon the negation of Marxism. Secondly, it was a repudiation of the assumptions of liberalism.

Negation of Marxist Doctrines:

As the Marxists were self-proclaimed materialists, the fascists became the believers in a form of ethical and political idealism. Since communists and socialists advanced the theory of class war, the fascists rejected it as harmful for the nation and said that class conflicts are superseded in the corporate state. While the Marxists

1. See Mussolini's essay on "The Doctrine of Fascism" quoted by Oakshott "Social and Political Doctrines", pp. 164-179.

desired a radical change in the relations of production, the fascists became conservative defenders of the *status quo* in the economic sphere. If the Marxists believed in an international brotherhood of workers, the fascists denied the principle of international solidarity of the working-class by supporting an aggressive nationalism in their own countries.¹

Repudiation of Liberal Principles:

Finally, the fascist theory contained a dogmatic repudiation of the basic principles of liberalism. Fascism believed in the primacy of the state over the individual and did not attach any significance to individual liberty. The freedom of speech and thought has no meaning in the fascist state. The press, the cinema, the arts and sciences, literature and philosophy, and educational institutions are controlled by the state.

No political party but the fascist is tolerated in the state. All political opposition is ruthlessly suppressed. The opponents of the fascist government are either executed or tortured to death in the concentration camps. The Nazis even considered the systematic annihilation of the Jews as a race as necessary for the political safety of their system. Elections and franchise became meaningless in such a totalitarian society. The representative institutions of the liberal state are mutilated and suppressed. All power is concentrated in a small party caucus around the fascist dictator who receives the reverence of a demigod in his country.²

The Meaning of Fascism:

In the opinion of Laski, fascism is a counter-revolutionary movement of the capitalist class to resolve the contradiction between the political democracy and an economic oligarchy by overthrowing the former in the interest of the latter. In its early phase of expansion, capitalism could work the democratic compromise by extending certain concessions to the working-class which it is unable to do now. "The situation is wholly different", says Laski, "when capitalism is in a phase of contraction. The price of the concessions expected by

1. The opposition of fascism to democracy, liberalism, socialism and internationalism has been clearly emphasized by Mussolini in his essay on "The Doctrine of Fascism".

2. See Oakshott's remarks about Nazism in "Some Notes on the Doctrines of *Mein Kampf*", in *Essays on Political Doctrine*, pp. 203-205.

democracy then appears too high. The assumptions of capitalism then contradict the implications of democracy. If the phase of contradiction is prolonged, it becomes necessary either to abrogate the economic assumptions upon which the society rests" (50 : 130).

Fascism as an Effort to Save Capitalism:

The fascist movement is an effort to save capitalism by abrogating the democratic process and instituting a totalitarian dictatorship in its place. In its phase of contraction, the capitalist system leads to continuous decrease in wages, mass unemployment, and a deterioration of the standards of living for the common people. The capitalists clamour for a reduced taxation of their profits and a withdrawal of the welfare activities of the state. This cannot be effectively done in a political democracy based on universal suffrage. Hence, the capitalist class encourages a fascist party to capture the state power on its behalf and carry out its desired programme (131 : 27).

Alliance with Capitalist Forces:

The technique of fascism whether in opposition or in government may best be understood only in the light of its alliance with the capitalist forces of the community. "By the abrogation of democracy, in one form or another", says Laski, "it has entrusted unlimited political power to those who won and control the means of production. Its methods have followed a fairly uniform pattern. All political parties which deny its purposes have been suppressed. The free trade unions have gone, and with them, the right to strike. Wages have been reduced either unilaterally by the employers, or with the approval of the state. The right to free criticism has been suppressed; and the power of the electorate to change its government has been withdrawn" (50 : 131).

Alliance with the Militarists:

Moreover, the fascist movement is built up and the fascist authority is consolidated on the basis of an understanding with the army leaders who are interested in the preservation of the vested interests. The fascist party also creates a private armed band of its partisans to terrorize its political rivals into submission and seize power by a demonstration of force. It is only with the cooperation of its armed forces that the fascist government is able to establish a totalitarian society.

Control over the Church, Bureaucracy and the Mass Media:

The so-called neutral character of the bureaucracy is entirely destroyed and it becomes completely subservient to the fascist party. The churches are compelled to glorify fascist ideals and remodel their dogmas in the light of the fascist ideology. The press, the wireless, the cinema, the literature, arts and sciences have to identify themselves with the objectives of the fascist party and government (49 : 13).

Stability of the Fascist Regime:

But the stability of the fascist regime and its capacity to preserve the capitalist structure depend solely on its success in maintaining the loyalty of the army generals. It can crush all internal opposition and discontent so long as these generals remain loyal to the fascist leaders. The fascist concern for the popular or national well-being is dismissed by Laszlo as propaganda which has no substance behind it.

Suppression of Trade Unions and Working Class Parties:

Laszlo says that the policy of fascist state safeguards the right of profit making for the capitalist class. It is a capitalistic state without the liberal features of a bourgeois democracy. Hence, trade unions and political parties of the working class are suppressed though the fascists justify this on the ground that such class organisations hinder popular or national well-being. Both Hitler and Mussolini pointed out the value of propaganda, however deceitful it might be, in the pursuit of their political objectives and their struggle against ideological adversaries. Neither the individual nor the class could have any claims against the state or nation. But the end of a fascist state was quite compatible with profit-making motive of the capitalist class. This class and the fascist ruling elite determined what constituted the good of the nation.

Capitalistic Nature of Fascist State:

When the profit-making motive is the basis of production in the fascist societies, it clearly demonstrates the essentially capitalistic character of the fascist state and government. Neither in Italy nor in Germany the fascist state attempted any alteration in the socio-economic structure of the community. The class relations of the capitalist society were preserved and strengthened by the corporate state. The suppression of trade unions and political parties of the

working class deprived it of its capacity of resisting the domination of the capitalist class. This clearly shows the contrast between the social objectives of the Russian Revolution and the fascist counter-revolutions of Italy and Germany.

Contrast with the Dictatorship in Russia:

In Russia the class relations were fundamentally altered and the dictatorship was exercised for the suppression of capitalism. The ownership of the means of production was transferred from private individuals to the community as a whole. In fascist regimes the means of production are privately owned and the workers even lose their right of advocating public ownership because of the loss of civil liberties. In a capitalist democracy the working class, at least, enjoys the right of criticizing the principles of distribution and the relations of production and the right of forming trade unions and political parties. Under the iron heel of a fascist dictatorship, the working class loses its right to question the class hierarchy of the corporate state and the unjust distribution of wealth in the community.

Fascism not Neutral Between Labour and Capital:

Laski does not agree with the fascist argument that the state acts as an agency of independent arbitration between labour and capital. He says that it is impossible for the fascist state to act as an impartial or neutral body by virtue of its economic assumptions. (47 : 11). "The fascist state", he says, "must obey its fundamental postulates; and these, by the fact that the private ownership of the means of production is maintained, imply subordination of its habits to the motive of private profit. It was the threat to private profit in the first year of his regime which compelled Hitler to move to the right and abandon those policies which had a socialist emphasis. It was the threat to private profit, also, which has made the Fascist state in Italy acquiesce continually in the reduction of wages. Once capitalist postulates are assumed, that is to say, the incidence of state action must necessarily be biased in favour of owners of capital. To resort to different principles would be incompatible with the inherent nature of Fascism" (50 : 134). Thus Laski concludes that the fascist government, like any other government in a capitalist society, remains an executive committee of the class which dominates the system of production.

Professor Gregory's Argument:

There are certain writers like Professor Gregory who argue that it is wrong to identify fascism with capitalism in decline because the essence of fascism is its authoritarian character while the basis of capitalism is individual liberty and private enterprise.¹ Professor Gregory also points out that the twenty-five points of the Nazi programme and the Communist doctrine have many similarities but they have little in common with the theory of capitalist democracy.² Moreover, he thinks that the rise of fascism does not indicate the breakdown of capitalism because it succeeded only in those capitalist countries where democracy had not taken firm roots in the local soil. The post-war situation and certain other non-economic factors were more responsible for the growth of fascism than economic difficulties of the capitalist system.

Deceptive Similarity Between Fascism and Communism:

Laski, however, strongly disapproves Professor Gregory's interpretation of the rise of fascism. He says that the resemblance between the fascist and communist programmes is deceptive because the socialist part of the fascist programme is never meant to be translated into practice. It is true that the fascist state is authoritarian and it interferes in the economic affairs of the community to a very great extent. "But", as he points out, "the character of that interference, both in Italy and Germany has been interference of capitalists in the interests of capitalist recovery" (50 : 153).

Business Depression of 1929-33:

Moreover, the intensity of the business depression of 1929-33 clearly demonstrated the inadequacy of the capitalist system in the world as a whole and exposed its inherent weakness. Fascism was a temporary but desperate effort of the capitalist class to prevent its final collapse. Laski admits that there are non-economic factors which also played their part in the rise of fascism but these factors in the absence of a world crisis of capitalism could not have produced fascism by themselves (131 : 113).

1. Laski criticizes Professor Gregory's interpretation of fascism because his view represents the outlook of all liberal anti-Marxist critics of fascism like Professor Cuthin, Professor Moxey and others.

2. For the twenty-five principles of the Nazi programme see Oakshott's "Social and Political Doctrines", pp. 190-191.

Totalitarianism and Aggressive Imperialism:

While the economic content of fascism is capitalistic, its political creed is a combination of totalitarian dictatorship inside the country and aggressive imperialism outside. Internally, the fascist party is completely identified with the state and so it controls and regulates all spheres of national life on behalf of the state. It embarks upon a policy of intensive rearmament and militarization of the country. The war efforts of the fascist regime provide employment to the unemployed which solves an important problem created by the capitalist crisis (131 : 92). The totalitarian control of industry and labour enables the fascist government to exploit the productive potentialities of the industrial machine at a full level although the character of production targets to be achieved is largely military in character.

Fascist Dictator as Machiavelli's Prince:

Laski regards the fascist dictator as Machiavelli's *Prince* in action (50 : 197). "To continue in office", says Laski, "he must destroy the possibility that any constitutional procedure may throw him out of office; hence he must be a despot of unlimited authority and unlimited tenure. But unlimited despotism can only impose itself by fear; hence the rule of law must go, to be replaced by that of terror". His principles of action, for this end, are essentially two in number. The first is the exploitation of national sentiment; he redresses real grievances, he discovers imaginary ones for which he can demand an accounting. But to do this, once more, he must be armed. To arm himself means at once to dominate the economy of the nation and to minimize the risk attendant upon the redress of grievances which imply a threat to other states" (131 : 95).

Fascism Leads to War:

This shows that the aggressive foreign policy of the fascist state is a necessary corollary of the internal rule of terror. It is not surprising, therefore, that the fascist policies are bound ultimately to bring about the catastrophe of an international war. Fascism is a denial of the rule of law in international relations and believes in the principle that might create rights. This is evident from the policies adopted by Italy, Germany and Japan during the years preceding the Second World War.

Fascism has No Philosophy:

Finally, Laski thinks that it is futile to search for a philosophy of fascism which is nothing more than an incoherent jumble of opportunistic generalizations. "Much effort has been expended", he says, "to discover a philosophy of Fascism. It is a waste of effort. Fascism is power built upon terror and organized and maintained by the fear of terror and the hopes to which conquest gives rise. It is the disciplining of society for a state of war in which martial law is permanent because the nation is forced to spend any brief period of peace in the preparation for war. It survives in peace by the intensity of the terror it imposes; it survives in war just to the degree that it is successful in war" (131 : 96).

Use of Violence to Undermine Reason:

This clearly implies that fascism is a systematic use of force and violence to undermine the rule of reason in society. "All the fustian of doctrine, its exponents have presented us with", he points out, "reveal themselves, on examination, as propaganda expedients which have no meaning except their power to bolster up the particular regime. The doctrine of Nordic superiority works in Germany; the doctrine of the Latin genius works in Italy. Anti-semitism is the historic weapon of every ruler who needs an enemy to exploit and property to distribute; and it is always popular with the illiterate masses in a period of economic strain. The insistence on the "manifest destiny" of the nation, whether Germany or Italy, is, at bottom, simply the search for new sources of wealth to be exploited as a means of maintaining acquiescence in the regime. Conquest means posts, investments, a market to be politically controlled. The attack on the democratic principle necessarily follows from the need of the leader to justify his own exercise of absolute power. If a constitutive principle in Fascism exists at all, it is simply and solely the principle that power is the sole good and that values attach only to those expedients which sustain and enlarge it" (131 : 97).

Denial of the Liberal Faith in Government by Discussion:

Thus fascism is a total denial of the liberal faith in the rationality of man and the possibility of government by discussion. As the fascist himself accepts the irrational basis of his ideology, it is not necessary to refute it on rational grounds. Laski's answer to fascism consists in three things. First, he considers those steps which should have been

taken to prevent the rise of fascism. Secondly, he urges that the only practical answer to fascism is to overthrow it by force. Thirdly, he considers the probable alternatives to fascism, when it has been overthrown, and their relative efficacy to prevent a re-occurrence of fascism in those countries.

The Alternative to Fascism:

Before considering Laski's answer to the fascist challenge, it is necessary to emphasize that he does not regard fascism as an ideological system comparable to the ideologies of liberalism, socialism or communism. As Laski points out, "Fascism, in any of its forms, is at bottom a doctrineless nihilism; the attempt to provide it with a philosophic basis is the usual attempt of scholars to explain, or to provide a pedigree for, something altogether remote from serious influence upon its fortunes" (131 : 107).

The So-called Intellectual Roots of Fascism:

There are many writers, who have tried to discover the philosophical basis of fascism, in the doctrines of such diverse philosophers as Hegel, Nietzsche, Schopenhauer, Bergson and Pareto.¹ Efforts have been made by learned men", Laski sarcastically remarks, "to find the roots of this outlook in the metaphysics of famous philosophers. One tells us that it comes from Kant; another blames its evil upon the fierce nationalism of Fichte; a third tells us that it is Hegel who introduced this servile worship of the state-power; yet another insists that the poison of Nietzsche's superman is, as it were, by inheritance in the veins of every German. Or we are bidden to note the influence of Sorel's confused mixture of Puritanism and Marx upon the mind of Musiolini, there, we are told, in the voluminous speculations of Pareto, are the true sources of Italian Fascism. Others explore the philosophy of the German historians; it is Treitschke or Von Sybel, Mommsen with his Caesar-worship or Droysen, who beget this dread temper."²

1. See Professor Maxey's remarks about fascism and nazism in his "Political Philosophies", Chapters XXXI and XXXII, pp. 636-661. See also Professor Sabine's analysis of fascism in his "History of Political Theory", Chap. XXXIV pp. 747-775.

2. Laski: "Reflections on the Revolution of Our Time", Chapter III, p. 107. At another place, Laski says, "Fascism, when closely examined, proves to be nothing more than an ill-assorted rag-bag in which all kinds of remnants from the most

Thus Laski concludes that fascism has no philosophical background or doctrinal coherence. It is, at best, an opportunistic collection of often conflicting ideas and there is a great divergence between its programme in opposition and its practice as government.

Danger of Fascism Inherent in Capitalist Democracy:

Every capitalist society in its period of contraction runs the danger of succumbing to fascism. The rise of fascism can be prevented only by the transformation of the capitalist democracy into socialist democracy. The capitalist parties of the liberal democracy cannot provide any effective resistance to fascism because they are paralysed by their partial sympathy for the movement and its objectives. They even collaborate with the fascists and connive for their success on account of their fear of socialism.

Socialist Parties as Opponents of Fascism:

The most serious opponents of fascism are the socialist parties which stand for a redefinition of class relations in a capitalist democracy. The fascists must paralyse and destroy the socialist movement of their country before they can hope to achieve victory. This is done by incorporating a semi-socialist programme as a part of the fascist programme which contains liberal promises of relief and betterment to all classes in society without noting the fact that the interests of one class clash with those of another. In Italy, the fascists before their coming to power agitated for abolition of the monarchy, expropriation of church property and war-profits, nationalization of banks and certain key-industries, and abolition of land-lordism and distribution of land to the tillers.

Semi-Socialist Slogans of Fascists are Deceptive:

The twenty-five points of Hitler proposed abolition of incomes unearned by work and emancipation from the slavery of interest charges, nationalization of all business combines, confiscation of war-profits, expropriation of land for communal purposes without compensation, and reorganization of industries on the principle of profit-sharing between labour and capital. Both the Nazi and Fascist parties advanced these semi-socialist slogans with the object of break-

diverse philosophies seek, as best they may, to find a place". (*The State in Theory and Practice*, Chapter II, pp 193-94.).

ing the anti-fascist solidarity of the working-class and winning the support of a section of the workers (50: 194).

Disunity of Socialist Parties Helps Fascism:

The socialist parties could not provide an effective resistance to the fascists on account of two important reasons. Laski says that the most important factor in this respect was division in the ranks of the working-class itself which was created mainly by the emergence of the communist parties as separate and independent organizations outside the socialist front. He wants that the communist parties should have functioned as part of a broad coalition of socialist parties and only then they could have met the fascist challenge with success. He thinks that the Communist policy of regarding 'Social Democracy' as a moderate wing of fascism was wrong and fatal to the unity and solidarity of the working-class.¹

Premature Communist Threats of Armed Revolution:

The Communists wanted to destroy the influence of the Social Democratic leaders over the working-class and win it over for their revolutionary cause. But a larger section of the workers remained loyal to their socialist leaders and refused to cooperate with the Communists in their programme of revolution. The Communists, he alleges, not only disunited the working-class, they also spread panic in the circles of the ruling class by a premature threat of an armed revolution. This threat of an armed revolution by the communists was largely responsible for the creation of a counter-revolutionary force in the form of a fascist party. Laski, therefore, suggests that the problem of fascism could not have arisen if the Communists had refrained from advancing their premature threat of an insurrection and cooperated with the Social Democrats in achieving the common goal of socialism.

Failure of the Social-Democrats in Power:

But as an impartial observer, Laski admits that certain policies of the Social Democrats were also wrong and contributed to the success of fascism. When the Social Democrats came to power in Germany, they refused to transform the socio-economic structure on

1. For the Communist explanation of "Social Democracy" as the moderate wing of fascism, see the remarks of Ralph Fox in his "Communism and a Changing Civilization", Chapter VI, pp 111-124.

socialist lines. They did not care to remove disloyal elements from the army and the bureaucracy. They did not nationalize the key-industries and refused to suppress the feudal privileges in land ownership. They allowed the Nazi party to grow and develop its influence to dangerous proportions under a cover of legality. They did not join the Communists even in their anti-fascist resistance and acquiesced in the unconstitutional dismissal of a Social Democratic government of Prussia without any effective protest, which is apparent from rejection of the Communist call for a general strike by the Social Democratic leaders (131 : 90).

"The Russian Revolution", says Laski, "is an example of the full use of favourable circumstances by men who had steeled themselves to the task of grasping their opportunity when it occurred; the German Revolution is the history of a missed opportunity. For while the Social Democrats willed the creation of a socialist state, when the state power fell into their hands they were not prepared to adopt it to socialist purposes. They left the main instruments of political authority in the hands of their opponents; effectively, the counter-revolution in Germany was in being from the day when the old regime was overthrown" (50 : 294).

United Front of the Working Class Parties Against Fascism

Thus Laski concludes that the success of the Nazi counter-revolution in Germany was ensured by the hesitating and vacillating policies of the Social Democrats who failed to bring about the socialist transformation of the German economy and society. The only effective way to check the rise of fascism is to destroy the class which begets it. It implies the necessity of a united front of the working class parties against fascism and for defending democracy at all cost. If the representatives of the working class are able to seize the power of the state, they must use this opportunity to transform the capitalist system by a rapid introduction of socialist measures. Moreover, a socialist government must not extend its protection to fascist organizations which should be banned and effectively suppressed before they gather strength.

Fascism as a Menace to Civilization:

But the contemporary history of Germany and Italy shows that the steps which were necessary to check the rise of fascism in those countries could not be taken. Fascism was victorious in both these

countries owing to the weakness and vacillating policies of its opponents. The triumph of fascism was not only a calamity to those nations where it succeeded, but it was, in fact, a menace to human civilization. The destruction of fascism, says Laski, was a question of survival of the human civilization.¹ "For in any civilized community of nations", he says, "the necessity of its destruction is axiomatic. A system which annihilates all values save that of power, and is prepared, without repining, to use war as the natural instrument of national policy, must either be destroyed or enslave mankind. There is no middle term between these alternatives" (131: 97).

Laski believes that civilized conduct depends upon two things. In the first place, individuals must learn to subordinate themselves to the sovereign power of reason. Secondly, all organised groups in society must conduct themselves within a framework of "settled legal principles". German and Italian fascists denied both the supremacy of reason in the life of individuals as well as the principle of legality in the life of communities and nations. By these denials, fascism automatically became the acknowledged enemy of human civilisation. The triumph of the fascist doctrine symbolized the victory of bestiality in man's nature over its humanist sublimation.

Laski, it is evident, cannot accept any compromise with fascism. As it recognizes no other argument than that of force, it must be destroyed either by an internal revolution or by an armed intervention from outside. The fascist regime, as Laski says, is essentially a government of gangsters and outlaws, who depend for their survival on a perpetual civil war within and a permanent international conflict outside. The only answer to this warlike ideology is to crush it by its own weapon and overthrow it on the battle-field.

Conservative Parties Sympathetic to Fascism:

In capitalist democracies, the conservative sections did not recognize the nature of the fascist menace. At certain occasions, the conservative leaders of these countries openly expressed their sympathy for the aims of fascism while disapproving its methods. This sympathetic attitude was evident from the policy of appeasement, which the capitalist democracies adopted in their diplomacy with the fascist dictators. The Soviet Union was the only country to recognize

1. See Laski's remarks in his essay on "The Strategy of Freedom" in which he regards fascism as a negation of civilization.

the true character of the fascist regime and to oppose the policy of appeasement. The Soviet government advocated a policy of collective security and alliance with the capitalist democracies against fascism. This policy was not accepted by the appeasers in capitalist democracies.

Soviet Opposition to Fascism:

Laski thinks that the Soviet policy was the only correct answer to the fascist challenge to world peace. The conservative leaders of the capitalist countries were motivated by a greater hatred towards communism and were misled by the anti-communist statements of the fascist leaders. The conclusion of the Nazi-Soviet non-aggression pact was the natural outcome of the policy of appeasement pursued by the capitalist democracies. Ultimately, the fascist powers were defeated on the battlefield by a world coalition of nations in which the Soviet Union also played an important role.

How Resurgence of Fascism to be Checked?

When Fascism has been defeated on the battlefield, it is pertinent to ask what steps should be taken to prevent its resurgence in the modern world. The annihilation of this warlike ideology has cost too much both in man and materials and humanity cannot afford a repetition of this colossal effort. Laski is clear on this point when he thinks that a revival of capitalist democracy cannot remove this danger. The relations of production in a capitalist society are no longer in conformity with the forces of production. If the post-war reconstruction is again planned on a capitalist basis, the impending catastrophe would be certain. Laski does not believe that a capitalist federation of Europe or a capitalistic Anglo-American Union is a successful guarantee of world peace.

The U.N.O. Unable to Guarantee World Peace:

Even a world organization on the pattern of the League of Nations or the present U. N. O. cannot provide any security for mankind against the recurrence of war and fascism unless the capitalist system of production is replaced by a socialist system. The post-war events both before and after Laski's death have demonstrated the validity of his conclusions. The replacement of the fascist regimes in Italy, West Germany and Japan by the regimes of capitalist democracy has not solved any problem and we again see these

peoples drifting towards rearmament and war. As Laski had foreseen, the capitalist government of the United States has assumed the leadership of the counter-revolutionary forces of the world.¹

Communist System as a Lesser Evil than Fascism:

But capitalism has been overthrown from a large part of the world on account of direct intervention of the Soviet Union in the affairs of Eastern Europe and because the Chinese Communists were able to defeat their own reactionaries in a civil war. For Laski the substitution of a Communist dictatorship for a fascist regime is only a replacement of the greater evil by a lesser evil (127 : 154-68). He thought that the Soviet system of government would become democratized after the war and perhaps the cooperation between the socialists and Communists of Western Europe would bring about a peaceful transformation of the capitalist system into a socialist society in those countries.

Failure of the European Socialists to Redefine Class Relations:

But the cooperation between the European socialists and Communists was short-lived and the changes expected by Laski in the Soviet regime did not occur (127 : 227-233). The socialists of Europe, after their rupture with the Communists, completely identified themselves with the foreign policy of the United States and joined the Americans in their cold war against Russia. Like the Social Democrats of the pre-war Germany, the European socialists have failed to bring about that redefinition of class relations, which Laski desired and regarded as indispensable for a decisive defeat of the counter-revolution.²

Rearmament and Fascism Inherent in Capitalist System:

It has also changed the entire perspective of the struggle between the European revolution and counter-revolution. The Communists

1. Laski : "The American Democracy", Chapter XI, pp. 501-517. As he says, "The Russian way of life, moreover, seeks as clearly to prevent external economic exploitation as the American way of life inherently drives its business leaders at once to seek for that exploitation and to regard its critics as dangerous stumbling blocks in the way of the fulfilment of America's 'manifest destiny'. There is, to put it shortly, a grave contradiction between the objective purpose of the United Nations and the impersonal drive of economic forces in America". (p. 516).

2. For Laski's proposals in this respect, see his "Reflections on the Revolution of Our Time", Chapter VII, 278-304.

and socialists, instead of cooperating in a common endeavour, are again dissipating their energies in mutual bickerings and thus strengthening the forces of counter-revolution in their countries. The post-war progressive regimes were gradually replaced by reactionary administrations in all capitalist countries and rearmament and neo-fascism again threatened the peace of the world.¹ The defeat of fascism on the battlefield did not mean the end of fascism as an ideology, which is bound to recur in one form or the other until the final collapse of the capitalist system is brought about at least in the major capitalist countries.

1. For Laski's comments about the post-war Anglo-American policy in the Middle East, Greece, Italy, Germany and Japan, see his "Dilemma of Our Times", Chapters II, X and XIV.

23

THE UNITED NATIONS

WHEN THE world was plunged into a colossal war in 1939, primarily as a result of the ambitions of Hitler, Mussolini, and the war lords of Japan, the first thought of the allies who fought them was to win the war.

As the war advanced the allies who were fighting the Axis powers (Germany, Italy, and Japan) came to be called the United Nations. The phrase was a coinage of Roosevelt. It was out of deference to his memory that after his death the organization came to be called the United Nations Organization; and now simply the United Nations.

Without waiting for the war to be over the allied statesmen got busy with the organization of the United Nations when the war was on. There was general disillusionment with regard to the League of Nations. Yet they found that the structure of the League was in the main satisfactory. Therefore, on that structure they began to build the new organization.

The Conference which laid down the framework of the U. N. was held at Dumbarton Oaks, a private mansion in Washington D. C., in October, 1944. The proposals made at this Conference aimed at the creation of a General Assembly, a Security Council of eleven members, an Economic and Social Council, an International Court of Justice, and a permanent Secretariat. The question of an International Police Force also was considered.

A serious gap left by this conference was the voting procedure in the Security Council. This question was solved at the Yalta Conference which was attended by Stalin, Roosevelt, and Churchill. Besides settling this question, they proposed a conference of all the nations fighting the Axis powers to be held in San Francisco in April 1945.

The Conference was attended by fifty nations and these became the original members of the United Nations. On October 24, 1945 when the signatory states ratified the Charter and deposited their

notification to this effect with the U. S. State Department the U. N. came into existence. Since then October 24 has been observed as the United Nations Day. The first General Assembly of the U. N. met in the Central Hall, Westminster, London. The League of Nations formally ceased to function thereafter.

The Charter consists of one hundred and eleven short articles. The Preamble to the Charter sets forth the basic aims of the U. N. It starts with the significant words: "We, the Peoples of the United Nations", instead of the words "The High Contracting Parties", used by the Covenant of the League of Nations signifying thereby that the U. N. speaks in the name of the peoples of the world. But too much ought not to be read into the verbal difference, inasmuch as the members of the U. N. are still member States, sovereign and independent. The U. N. does not call upon its members to surrender their sovereignty any more than did the League of Nations. The U. N. is "a voluntary co-operation of sovereign states". It is not a super-state

PURPOSES OF THE U. N.

The four purposes of the United Nations are :

1. to maintain international peace and security;
2. to develop friendly relations among nations based on respect for the equal rights and self-determination of peoples;
3. to co-operate in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting respect for human rights and fundamental freedoms for all; and
4. to be a centre for harmonizing the actions of nations in attaining these common ends.

PRINCIPLES

In fulfilment of these purposes, the United Nations acts in accordance with the following principles:

1. the Organisation is based on the principle of the sovereign equality of all its members;
2. members are to fulfil in good faith the obligations they have assumed under the Charter;
3. they are to settle their international disputes by peaceful means;

4. they are to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations;

5. they are to give the United Nations every assistance in any action it takes in accordance with the Charter, and to refrain from giving assistance to any state against which the Organization is taking preventive or enforcement action;

6. the United Nations is to ensure that non-members act in accordance with these principles so far as is necessary for maintaining international peace and security;

7. the Organization is not to intervene in matters which are essentially within the domestic jurisdiction of any state. This provision does not apply, however, when enforcement action is taken with respect to threats to peace, breaches of the peace, and acts of aggression.

Membership. The original number of members of the UN was fifty-one. Only ten were admitted up to 1955, because the admission of new members became a matter of conflict between the two power blocs. In 1955 as the result of a compromise between the two blocs sixteen new members were admitted all at one time by 'a package deal'. The number up to December 1972 was 131. Membership is "open to all peace-loving states". Communist China became a member of the U.N.O. in 1971. Members must accept the obligations contained in the present Charter and be able and willing to carry out the obligations of membership. New members are admitted by a two-thirds vote of the General Assembly upon the recommendation of the Security Council where any of the 'Big Five' (China, France, the United Kingdom, the U. S. A. and the U. S. S. R.) can exercise its veto power. During the short life-history of the UN many vetoes have been exercised by Soviet Russia (a hundred times); and several of these have been exercised in this connection. The power has been so much abused that there is a general feeling that some way must be found out of the impasse.

A member may be expelled for "persistent" violation of Charter principles.

No specific provision is made for the withdrawal of a member, as was the case in the League of Nations. But there is no intention of preventing a member from withdrawing because of exceptional circumstances. So far no member has withdrawn, although France and South Africa have staged walk-outs.

THE ORGANS OF THE UNITED NATIONS

THE GENERAL ASSEMBLY

The General Assembly is the only organ of the U. N. on which all members are represented. Each member is entitled to five representatives exercising one vote among them. The Assembly meets regularly once every year, commencing usually in September. Special sessions may be convoked at the request of the Security Council or of a majority of the members of the U. N. It is essentially a deliberative body, which can only make recommendations. In the field of peace and security which is assigned almost exclusively to the Security Council, the Assembly cannot even make recommendations when the matter is under consideration by the Security Council. But under the famous 'United Action for Peace' Resolution (or Acheson Resolution) of 1950, if the Security Council fails to take action on any important matter, it may be taken up by the General Assembly for consideration and appropriate recommendation.

One chief difference between the League Assembly and the General Assembly is that the former could make decisions binding on the members, while the latter can only make recommendations; but even these carry considerable moral weight behind them.

Voting procedure in the General Assembly is an advance upon the League procedure. While the League Assembly required a unanimous vote for decisions, *i.e.*, of the members present and voting, decisions of the General Assembly on important questions are made by a two-thirds vote of the members present and voting. These questions include recommendations with respect to the maintenance of international peace and security, the election of members of the Councils, the admission of new members to the U. N., or the suspension and expulsion of members, questions relating to the operation of the Trusteeship system, and budgetary questions. Decisions on other matters are taken by a simple majority vote of the members present and voting. Decisions in the committees of the General Assembly are taken by a majority of the members present and voting.

The General Assembly is given wide powers to initiate studies and make recommendations to promote international co-operation in the political field and to encourage the progressive development of international law and its codification. It also has the power to consider, "principles governing disarmament and the regulation of

armaments" and make recommendations. Under Article 14 it is authorized to "recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations".

Under its *organizational functions*, the Assembly elects the non-permanent members of the Security Council for two-year periods, the members of the Economic and Social Council and the elective members of the Trusteeship Council as against the *ex-officio* ones. It appoints the Secretary-General of the U. N. upon the recommendation of the Security Council. Voting independently along with the Security Council, it elects the judges of the International Court of Justice.

The General Assembly receives and considers reports from the other organs. The annual report of the Secretary-General is submitted to it. It considers and approves the budget of the entire organization and apportions the expenses among the members.

Under Articles 15 and 24, the Security Council is to make annual and special reports to the General Assembly. It is not made clear when these reports are to be submitted. The Security Council appears to retain considerable freedom of action.

The Assembly is supposed to act through an Interim or a Little Assembly in between sessions. It is represented by one representative from each member state. It is practically an effete body because of the stern opposition of Russia to it. The General Assembly functions through some very important standing committees such as the First Committee known as the Political and Security Committee and the Second Committee known as the Economic and Financial Committee.

Effectiveness of the General Assembly. Although the primary purpose of the Assembly is "to consider, discuss, and make recommendations," it is by no means an ineffective body. Its moral authority has been increasing every day.

THE SECURITY COUNCIL

The Security Council deals almost exclusively with matters pertaining to the maintenance of international peace and security. In this sphere its powers are greater and more well-defined than those of the League Council. It has a fixed membership of fifteen (unlike the League Council), five being permanent members representing the "Big Five". Non-permanent members are elected for two-year terms,

five members being elected each year. These members are not immediately re-eligible. India has served one term as a non-permanent member and she was elected a second time in 1972. In electing non-permanent members, two considerations are taken into account: (1) the contribution of members of the U. N. to the maintenance of international peace and security and to the other purposes of the organization; (2) equitable geographical distribution. These are only general exhortations which the General Assembly may disregard, and this has really happened in more than one case, even as late as 1955. It has become an item in the two-power conflict. In practice one seat goes to one of the states of Latin America and another to one of the states in the Soviet bloc. In recent years one seat has been given to Asian countries, and one to African countries.

There is provision for occasional members. These may be invited to represent member States which are not represented in the Council or non-member states when it is a matter which concerns them. They take part in the meetings of the Council, but have no vote.

Each member of the Council has one vote. The reason for having permanent members is that they are supposed to be the most important guarantors of security and a stable element in the family of nations. Change in the composition of permanent members can be made only by amending the Charter according to Articles 108 and 109.

The presidency of the Council rotates monthly among the members according to the English alphabetical order of their names. The Council adopts its own rules of procedure and establishes such subsidiary organs as it considers necessary for the performance of its function. The two Standing Committees, made up of representatives of the fifteen members of the Council, are the committee of experts which deals with rules of procedure and the committee on the admission of new members.

The Veto Each of the permanent members has the right of veto on all substantive questions. Abstention does not constitute a negative vote; nor does absence. This latter point was decided in 1950 when Mr. Jacob Malik representing Russia absented himself from the Council as a protest against the continued seating of the unrepresentative delegate from Nationalist China. When he later returned to the Security Council and claimed that the action of the Council taken during his absence was invalid, the Council overruled him. A valid decision on all substantive questions requires 10 votes, including

the votes of the permanent five. On procedural matters the affirmative votes of any 10 members are sufficient. What is substantive and what is procedural is a substantive question.

Pacific Settlement. When the pacific settlement of a dispute (Ch. VI) is under consideration by the Security Council the parties to the dispute must abstain from voting when the Council takes a decision. When preventive or enforcement action is to be taken by the Security Council the parties to the dispute need not refrain from voting.

The Security Council is in permanent session. The interval between meetings is not to exceed fourteen days. The Council is to be ready to meet as soon as there is a situation or dispute which threatens the maintenance of international peace and security.

There are four ways in which attention may be called to any dispute or situation which may threaten international peace: (1) Under the Charter, as under the Covenant, members have the right to bring to the attention of the Security Council or the General Assembly "any dispute or situation which might lead to international friction or give rise to a dispute" (2) The Security Council, on its own initiative, may investigate any situation or dispute in order to determine "whether its continuance is likely to endanger the maintenance of international peace and security" (Art. 34) (3) The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security (Art. 11, para 3) (4) The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. From this last point it will be seen that the Secretary-General is not a mere glorified head clerk. He is endowed with considerable initiative.

Under Article 35 (2) even a state which is not a member of the U.N. may bring any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

The obligation of members to refrain from war is absolute, except in cases of international or collective self-defence (Art. 51). Any threat to the peace, breach of the peace, act of aggression of whatever nature is subject to preventive and enforcement action by the Security Council. The Council may adopt several methods of pacific settlement: (1) Parties to a dispute may settle the matter by themselves through arbitration or judicial settlement, negotiation, enquiry, mediation, conciliation or resort to regional agencies and arrange-

ments. (2) The Security Council may call upon the parties to settle their dispute by such means when the parties fail to act and when the continuance of the dispute is "likely to endanger" peace and security. (3) The Security Council may at any stage of a dispute recommend appropriate procedures or methods of adjustment. But these are not legally binding on the parties, although they may have the greatest political and moral weight. Legal (former "justiciable") disputes, however, are as a rule to be referred to the International Court of Justice. From all of this it is clear that the procedure of pacific settlement is more flexible in the Charter than in the Covenant.

Enforcement Action. (1) The Security Council determines threat to peace, breach of the peace, act of aggression, etc., according to Article 39. Once it has decided, it can take action immediately. The decision is on behalf of the entire U. N. Therefore, all members are bound to assist the Security Council in any manner that may be called for (Article 48). Decision is no longer left to the individual members of the organization. (2) The Security Council can call for provisional measures as it deems necessary to prevent deterioration of the situation. (3) Members of the U. N. are bound by the decisions of the Security Council both in the case of military and non-military sanctions. (4) The League of Nations had no armed forces at its disposal. The Charter makes provision for advance planning concerning the application of armed forces. Under Article 15 members are to "hold immediately available national air force contingents for combined international enforcement action". The arrangement has been strengthened by the provision for the Collective Measures Committee contained in the *United Action for Peace* Resolution. The snag is that no military action is binding unless all the Big Five agree. The U. N. can take effective preventive and enforcement action against small powers, if the Big Five agree or at least none of them disagrees.

The Security Council may take two types of enforcement action :—(1) Measures not involving the use of armed forces—economic and diplomatic—complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations. (2) Action by air, sea or land forces, including demonstrations, blockades, and other operations by air, sea or land forces of the members of the U. N. The Council decides whether action is to be

taken by all members or by some; whether directly or through the appropriate international agencies to which they belong.

Any state, whether a member or not, which finds itself confronted with special economic problems arising from the carrying out of enforcement measures directed by the Security Council, may consult the Council regarding a solution of those problems.

Regional Arrangements. At San Francisco the nations of the Western hemisphere insisted on the recognition of the validity of regional arrangements and agencies. The result of it was Article 52 of the Charter which provides for a positive relation between regional agencies and the U. N. These agencies are to assist in the maintenance of international peace and security. The arrangements or agencies and their activities are to be consistent with the purpose and principles of the United Nations.

The major Western powers and their Eastern satellites claim that the NATO, SEATO, and the MEDO come within the purview of regional arrangements. The rest of the world does not believe it. As a matter of fact, these regional alliances which are primarily military and alleged to be defensive are one of the greatest threats to peace today. The Soviet-sponsored pact made up of several Communist countries in Europe is known as the Warsaw Pact. It is meant as a counterblast to the alliances sponsored by the Western powers.

Domestic Matters. On domestic matters the provision of the Charter is broader than that contained in the League of Nations. According to Article 2, para 7, the U. N. is not 'to intervene in matters which are essentially within the domestic jurisdiction of any State' or to 'require the members to submit such matters of settlement under the Charter.'

Other Functions of the Security Council. To the Security Council belongs the supervision of trust areas classified as 'strategic.' The permanent members of the Security Council are *ipso facto* members of the Trusteeship Council. Voting simultaneously, but independently, the Security Council and the General Assembly elect the judges of the International Court of Justice. The Security Council makes annual and special reports to the General Assembly. It may request the assistance of the Economic and Social Council; also of the Trusteeship Council with regard to strategic areas. It may ask the International Court of Justice for advisory opinion on any legal matter.

Amendments to the Charter (Articles 108 & 109). Amendments can be made by the General Assembly or by a General Conference

of members of the United Nations. Amendments adopted by a vote of two-thirds of the members of the General Assembly (not merely of those present and voting) need to be ratified by two-thirds of the member States, including all the permanent members of the Security Council, before they can take effect.

A second way of amending the Charter is through a General Conference decided upon by a two-thirds vote of the General Assembly and a vote of any seven members of the Security Council. If such a conference is not held before the tenth annual session of the General Assembly, the proposal to call such a conference is automatically placed on the agenda of the tenth session of the General Assembly¹. The Conference is to be held if so decided by a majority vote of the General Assembly and by a vote of any seven members of the Security Council.

THE ECONOMIC AND SOCIAL COUNCIL

If the object of the Security Council is to free the world from fear, the object of this Council is to free it from want. As someone has aptly put it: "It is the silent twin of the talkative Security Council."

Article 55 of the Charter provides that the U. N. shall promote—

(a) "higher standards of living, full employment, and conditions of economic and social progress and development ;

(b) "solutions of international economic, social, health, and related problems ; and international cultural and educational co-operation ;

(c) "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, and religion."

The last of these, (c), is an innovation, although the League did much to protect the rights of "national minorities" under special "minorities treaties". Most of the League Commissions and Committees were responsible to the Council ; whereas the Economic and Social Council operates entirely under the authority of the General Assembly.

On the organizational side, the Economic and Social Council consists of eighteen members elected for three-year terms by the General Assembly. Six are elected every year. Members may be re-elected immediately after their term is over. No provision is made

1. Member States of the UN did not avail themselves of this provision when the first ten-year period was over in 1955.

for permanent members as in the Security Council nor for such factors as geographical diversity or the balancing of industrialized against underdeveloped regions, or of imperial powers against those without colonies. Yet in practice the Big Five have always been elected, and have literally become permanent members of the Council. The principle of 'geographic balance of representation' also has found its way in actual practice.

As in the General Assembly, all member nations have an equal position. Each member is allowed one representative and one vote. A simple majority can pass a resolution. It meets at least twice a year normally at the seat of the U. N. It may meet elsewhere if it so decides. It makes its own rules of procedure and elects its President and Vice-President. It can only make recommendations, and has no real "executive" power.

The Council must invite any member state not a member of the Council to participate, but without a vote, in discussion of any matter of particular concern to that member.

It may arrange for representatives of specialized agencies to participate without vote in discussions of the Council and its commissions. It may also be represented at the deliberations of the specialized agencies.

Further, it may arrange for observers from non-governmental organizations having consultative status to attend its meetings.

Some special functions of the Economic and Social Council are :

(1) It makes or initiates studies and reports on all matters within its concern—economic, social, cultural and educational, health and related matters.

(2) It makes recommendations to the General Assembly or to the member governments or to the Specialized Agencies.

(3) It submits draft conventions to the General Assembly which when adopted are sent to the member States for acceptance and implementation.

(4) It sets up Commissions for the performance of its functions.

(5) It calls international conferences on matters within its competence.

Limited Nature of the Work of the Council:

The Economic and Social Council does not attempt to deal with, much less solve, the most urgent economic problems of the entire world. The limited nature of its work, as that of the U. N. as a

whole, is indicated by a statement of an American Secretary of State when he says :

"An international organization could aid in the solution of economic and social problems but could not interfere with the functions and powers of sovereign states. It could not command performance by individual member nations: it should not reach into domestic affairs of members. Its tools and procedures are those of study, discussion, report, and recommendation." Intended originally to function within very narrow limits, the pressing economic and social problems of the world since 1945 have tended to widen the scope of the work of the Council.

THE TRUSTEESHIP COUNCIL.

Trust Territories and Non-Self-Governing Areas:

Members of the UN administering non-self-governing territories, whether they are placed under the International Trusteeship System or not, agree to administer them in such a way as to promote to the utmost "the well-being of the inhabitants of those territories." To this end they undertake:

(1) To insure the political, economic, social and educational advancement of the inhabitants without in any way undermining their indigenous cultures;

(2) To treat them justly and protect them against abuse;

(3) To develop self-government and to assist the people in the progressive development of their own free political institutions;

(4) To further international peace and security;

(5) To promote constructive measures of development, to encourage research, and to co-operate with each other and with specialized international bodies so as to achieve the economic, social, and scientific advancement of the territories in question; and

(6) To transmit regularly to the Secretary-General for the purpose of information, subject to such limitation as security and constitutional considerations may require, statistical and other technical information relating to economic, social, and educational conditions in the Non-Self-Governing countries not under the Trusteeship system.

The International Trusteeship System. This applies to territories placed under the system by individual agreements worked out between the U. N. and the state to which a trust territory is entrusted. The areas so administered are known as trust territories. The system

does not apply to territories which have become members of the United Nations.

The System has a fourfold aim:

- (1) To further international peace and security;
- (2) To promote the political, economic, social and educational advancement of the people and their progressive development towards self-government or independence;
- (3) To encourage respect for basic human rights and recognition of the interdependence of the peoples of the world; and
- (4) To insure the equal treatment of all member states of the U.N. and their nationals in social, economic, and commercial matters, and in the administration of justice so long as it is consistent with the attainment of the other objectives of the Trusteeship System.

The Trusteeship Council

is made up of:

- (1) Permanent members of the Security Council, which do not administer trust territories;
- (2) Member states which administer trust territories;
- (3) Other member states elected by the General Assembly to maintain equality of members between those which administer territories and those which do not. The Council meets regularly twice a year and in such special sessions as are requested by a majority of its members. Decisions are made by a majority of the members present and voting.

Functions and Powers of the Council :

Under the authority of the General Assembly it carries out the functions of the UN with regard to trust territories which are not designated as "strategic". The Security Council exercises the UN functions over the latter, with the assistance of the Trusteeship Council in political, economic, social, and educational matters.

The Trusteeship Council considers reports by the Administering Authority; examines petitions in consultation with the Administering Authority;

Provides for periodic visiting missions to Trust Territories at times agreed upon with the Administering Authority; takes other actions in conformity with the terms of the Trusteeship Agreements;

Formulates a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each Trust Territory,

on the basis of which the Administering Authorities submit annual reports on all Trust Territories for consideration by the Trusteeship Council.

SPECIALIZED AGENCIES

Article 57 of the Charter provides that the various specialized agencies, established by inter-governmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

The Economic and Social Council, subject to approval by the General Assembly, is the body which negotiates agreements with the agencies, defining the terms under which each of them is to be brought into relationship with the UN. The Council seeks to co-ordinate the activities of the specialized agencies through consultations with them and through recommendations to the General Assembly and the members of the UN.

The Specialised Agencies are:

1. The International Labour Organization.
2. The Food and Agriculture Organization.
3. The United Nations Educational, Scientific and Cultural Organization.
4. The World Health Organization.
5. The International Monetary Fund.
6. The International Bank for Reconstruction and Development.
7. The International Finance Corporation.
8. The International Civil Aviation Organization.
9. The Universal Postal Union.
10. The International Telecommunications Union.
11. The World Meteorological Organization.
12. The International Maritime Consultative Organization.
13. The International Trade Organization (General Agreement on Tariffs and Trade).

THE INTERNATIONAL COURT OF JUSTICE

In many respects this is a continuation of the Permanent Court of International Justice under the League of Nations. While the

Permanent Court was an 'autonomous organ' of the League, the present court is a principal organ of the U.N. It functions in accordance with its Statute, which is based upon the Statute of the Permanent Court.

All members of the U. N. have automatic access to the Court. Even non-members may use it on conditions recommended by the Security Council and approved by the General Assembly. Only nations can use the Court.

A state cannot be dragged before the Court because a suit has been filed against it. The defendant state should agree to the trial. The Court has no compulsory jurisdiction over nations. Members of the U.N. are not obliged to take their cases before it. However, it is open to them to pledge beforehand when they sign a treaty that they will use the Court when dispute arises on the interpretation of the treaty.

By signing the 'optional clause' nations may pledge themselves to use the Court for certain types of cases. This means all cases concerning :

- (a) 'The meaning of treaty clauses.
- (b) 'All matters concerned with the field of international law.
- (c) 'The existence of any fact which, if established, would constitute a breach of international obligation.
- (d) 'The nature or extent of the payment that must be made for breaking an international agreement or obligation.'

Out of a total membership of 64 states only 38 have opted for the compulsory jurisdiction of the Court even within the limited sphere of settlement of non-political disputes.

The jurisdiction of the Court includes all cases which the parties concerned wish to refer to it as well as matters specifically provided for in the U. N. Charter in treaties or conventions in force. Inasmuch as the statute of the Court is based upon the Statute of the Permanent Court, stipulations in treaties or conventions to refer matters to the Permanent Court now refer to the International Court of Justice. Disputes between members of the U. N. need not always be referred to the International Court. They may be referred to other courts already in existence or to courts to be established in the future.

A peculiar feature of the Court is that it shares with the Security Council the power of making decisions binding upon States. The binding decisions of the Court are nevertheless reviewable, under certain conditions, by the Security Council. Another feature is that

the Big Power conflict has to some extent found its way into the composition and working of the Court.

Basis of the Court's Decision.

In deciding cases, the Court applies :

- (1) International conventions, whether general or particular;
- (2) International customs ;
- (3) The general principles of law recognized by civilized nations;
- (4) Judicial decisions and the teachings of the most highly qualified publicists of the various nations.

Where the parties concerned are agreeable, the Court may use the principles of justice and the general welfare of the nations involved.

Decisions of the Court. According to the Charter of the U. N., every member agrees to abide by the decisions of the Court in any case to which it is a party. If one party is willing to carry out its obligations under a judgment delivered by the Court and the other party is unwilling, the former can bring up the matter to the notice of the Security Council which can adopt measures or make recommendations for the execution of the Court judgment. The Court may also indicate what provisional measures need to be undertaken in order to protect the rights of either party. Decisions of the Court bind only the parties concerned in respect of the case decided. The judgment of the Court is final.

Advisory Opinions. When called upon to do so, the Court gives advisory opinion on legal questions. The General Assembly and the Security Council can make the request directly. Other organs of the U. N. and Specialized Agencies require the authorization of the General Assembly in dealing with legal questions which fall within the scope of their activities.

THE SECRETARIAT

The Secretary-General is appointed by the General Assembly on the recommendation of the Security Council and acts in that capacity at all meetings of the General Assembly, the Security Council, the Economic and Social Council, and the Trusteeship Council. He performs various duties in relation to the Security Council, the General Assembly, the summoning of special sessions of the General Assembly, the receiving of reports from countries

administering non-self-governing territories, the registration of treaties, and the election of judges to the International Court of Justice. One of his special privileges is to bring to the notice of the Security Council any matter which in his opinion is a threat to the maintenance of international peace and security. The Charter requires him to submit an annual report to the General Assembly on the work of the organization. The first Secretary-General was appointed for a term of five years. He can be re-elected at the end of the period. Some time ago Russia made the preposterous suggestion that the Secretary-General's work should be divided among three Secretaries, one representing the western powers, one the Soviet bloc, and a third the neutral or non-aligned powers. Fortunately, after the appointment of U Thant as Secretary-General, this suggestion known as Troika has been dropped, at least for the time being.

The staff of the Secretariat is appointed by him under regulations established by the General Assembly. In making the appointments, the highest standard of efficiency, competence and integrity are to be considered ; also fair geographical distribution is to be taken into account. Neither the Secretary-General nor the staff is to seek or receive instructions from any government or any other authority outside the organization. The members of the U. N. on their side undertake to respect the exclusively international character of the Secretary-General and his staff and not to influence them in the discharge of their responsibilities. This has not always been done in practice. A few years ago when anti-communist feelings were at their height, the U. S. A. used its influence with the U. N. and Secretary-General in removing some of the U. N. employees of U. S. nationality who were suspected of communist proclivities.

REVISION OF THE CHARTER

Although several loopholes have been found in the Charter of the United Nations and the work of the Organization, there was no disposition to revise the Charter because of the veto power which was bound to be used by one or the other of the Big Five so long as the two-power conflict continued. Anyhow, from the academic point of view, certain lines may be indicated along which changes may be made in the future :—

1. Restriction of the power of veto, particularly as regards the administration of new states.

2. A closer definition of 'Domestic Jurisdiction' so that a country like the Union of South Africa cannot go on flouting the United Nations indefinitely on such a matter as the uncivilized and inhuman way of dealing with people of non-white races.

3. Bringing of the entire colonial world under the Trusteeship System and the liquidating of colonialism according to a given time table.

4. More attention to disarmament and effective steps being taken in the direction of an International Police or Peace Force and the proportionate reduction of national forces as the international force increases.

5. A closer definition of Articles 51 and 52 so that geographically separate states cannot be brought together into a military alliance such as the NATO and SEATO.

6. A closer definition of what constitutes the use of force for defensive purposes.

7. Close restriction of the right of a nation to carry on experiments with the exploding of atomic and hydrogen bombs and other such deadly weapons. It is high time that a convention was established to the effect that no nation had a right to pollute the air or the waters of the seas. It must be regarded as a crime against humanity.

8. Closer attention to the utilization of 'atoms for peace'.

9. An adequate machinery for the enforcement of human rights already provided in the form of a Declaration.

10. The adoption of active steps for the creation of world citizenship and a limited world government.

OPERATION¹

In appraising the work of the United Nations, the wise thing to do is to avoid both cynicism and over-optimism. The cynic says that the U. N. should really be called the 'disunited nations'. This criticism is true if we judge the U. N. by the number of times that the veto has recklessly been used in the Security Council or by the attempts made by the Big Powers to make the U. N. an arena for the fight between the two power-blocs or by the number of times that the U. N. has been by-passed. A good illustration of the last point is the economic aid given by the U. S. A. to underdeveloped countries outside the

1. Much of the material in this section is taken from various U.N. publications.

ambit of the U. N. Several outstanding issues still remain unsolved such as (1) the virtual incorporation of South West Africa into South Africa in spite of the repeated requests of the U. N. for a trust agreement for the territory and the verdict of the World Court against incorporation; (2) lack of settlement with regard to the control of the atomic and hydrogen bombs and the unilateral decision of certain powers to carry on nuclear tests where they like and when they like; (3) failure to reach an orderly and dignified way of admitting new members; (4) abuse of the veto power. (Before long abuse of outer space by one power or other will add to existing tensions.)

In spite of these shortcomings, much valuable and unspectacular work has been done in solving many political troubles through the agency of the Security Council and the General Assembly. It must be said, however, that the most outstanding work of the U. N. has been in the fields covered by the economic and Social Council, particularly through the Specialized Agencies. So far there has not been much that is spectacular about the work of the Trusteeship Council or the International Court of Justice.

THE POLITICAL AND SECURITY FIELDS

(1) *Treatment of people of Indian Origin in the Union of South Africa.* In the very first session of the General Assembly in 1946, the Indian delegate called the attention of that body to the derogatory nature of the Asiatic Land Tenure and Representation Act of 1946 in the Union of South Africa and to the policy of racial segregation strenuously pursued by the Union Government. It was pointed out that all of that constituted an affront to the U. N. ideal of human equality and dignity.

South Africa asserted that the question was essentially within the domestic jurisdiction of the Union and that under Article 2, para 7 of the Charter, the U. N. had no competence to deal with the matter. It also demanded that the advisory opinion of the International Court be sought in the matter. Rejecting this plea, the Assembly took the stand that as the question was likely to affect friendly relations between two of the members of the U. N. it was competent to deal with it. This resolution was interpreted differently by India and South Africa. The latter country refused to treat the resolution as the basis of mutual discussion as it would mean acceptance by South Africa of the judgment of the Assembly that a violation of the Charter had been committed.

The matter was brought up again before the Assembly. The third session of the Assembly in 1949 invited India, Pakistan and South Africa to hold a Round Table Conference, taking into consideration the purposes and principles of the Charter and the Universal Declaration of Human Rights.

South Africa rejected the resolution on the plea that it constituted an interference with her domestic jurisdiction. After protracted negotiations, the preliminary efforts for a Round Table Conference succeeded. But the three powers concerned could not agree upon an agenda.

Subsequently the Western powers began to lose interest in the question, especially in view of the cold war situation. They want the material resources of South Africa as well as her partnership in the fight against world communism. The rising tide of anti-colonialism among Afro-Asian nations also has contributed to the lukewarmness of the Western powers towards the issue. Things reached such a pass that the 1955 Assembly abrogated its earlier resolution condemning the South African racial policy. So the whole issue is in cold storage now. This must be considered a black mark against the U. N. The position of persons of Indian origin has worsened with the coming into power of Verwoerd and his associates. Several African countries are now boycotting S. African goods. But this cannot have much effect unless the Western powers, including Great Britain and the U. S. A., join the boycott.

(2) *Palestine.* The United Kingdom brought up the question of Palestine to the United Nations in April, 1947 at the first special session of the General Assembly convened for the purpose. Representatives of the Jewish Agency and of the Arab Higher Committee were invited to present their respective points of view. The practical outcome of these deliberations was the appointment of a U.N. Special Committee on Palestine to visit that country and other areas involved, conduct a factual study of the situation on the spot and make recommendations. The Committee visited Palestine, Lebanon, Syria, and Trans-Jordan as well as displaced persons' camps in Germany and Austria. The majority report favoured the formation of a Jewish state and an Arab state with Jerusalem under a special international regime. The three were to be linked together into an economic union. The minority report favoured a federation for Palestine comprising an Arab State and a Jewish state, with Jerusalem as capital. The General Assembly voted in favour of the majority plan. India was a signatory to the minority report.

The Arab nations declared that they would not accept partition in any form or shape. The Jewish Agency, on the other hand, considered that partition was the only practical solution. It based its stand on the 'international promises' of the Balfour Declaration and the League of Nations Mandate and upon the desire of displaced European Jews who could find no haven elsewhere.

The Arabs resorted to direct action in order to prevent the consummation of partition. The extremists among Jews continued irresponsible acts of violence. The Security Council frantically appealed to the countries concerned to do everything possible to curb the mounting unrest and disorder in Palestine.

Hostilities started again and intensified attack on Israel was conducted by Syria, Lebanon, Trans-Jordan (now Jordan) and Egypt. The Security Council once again called upon the parties to cease hostilities. It is instructive to note that some of the U. N. resolutions concerning the Arabs and Jews contained threats of the use of force. A cease-fire agreement was reached on June 4, 1948, but fighting did not stop.

Israel established herself by force of arms against odds and gained more than what was recommended by the U. N. Palestine Commission. Dr. Ralph Bunche, an American Negro and a member of the U. N. Secretariat, was appointed as successor to Bernadotte to work out a final settlement. Largely as a result of his patience and tact, armistice agreements were signed between Israel on the one side and Egypt, Lebanon, and Trans-Jordan on the other.

The years which have lapsed since the birth of Israel have been years of uneasy peace for her. The Arab states have not yet reconciled themselves to the existence of Israel, even though by dint of hard work Israel has totally transformed the area occupied by her. In 1956 at the time of the Suez Canal crisis, Israel took advantage of the situation to march into the Gaza strip, but this ill-conceived venture was soon brought to an end. The question of the Palestinian Arab refugees is still far from solution. Some Arab states would want to keep it as a running sore for political reasons. In 1966, Israel occupied the west bank of Jordan and the Sinai Peninsula and has refused to vacate these occupied Arab areas ignoring all appeals from the U.N.O.

(3) *The Korean Question.* Korea was ruled by the Japanese from 1910 on and the allies had promised the liberation of Korea when the war was over. At the time that the war came to an end the Russians were in occupation of North Korea and the Americans of

South Korea. As a rough and ready measure for the surrender of Japanese troops in Korea it was decided that the surrender to the north of 38° parallel was to be made to the Russians and that to the south was to be made to Americans. This line soon came to be solidified, dividing Korea into North Korea and South Korea.

Unfortunately no progress could be made in the unification of the country, partly due to the obstructive tactics of the Communists and partly due to the equally obstructive tactics of Dr. Syngman Rhee, the newly-elected President of South Korea. Frequent border clashes took place between the North and the South, climaxed by the invasion of the south by the north on June 25, 1950. Both the U. N. Commission on Korea which was on the spot and the U.S. Government reported the matter promptly to the Security Council and an emergency meeting was summoned. The Council called for the immediate cessation of hostilities and the withdrawal of the forces to 38° parallel. Members of the U.N. were asked not to assist N. Korea.

North Korea turned a deaf ear to the U. N. resolution. So within two days the U. S. submitted a draft resolution urging the adoption of military measures against North Korea with a view to restoring international peace and security. In the voluntary absence of the Russian delegate from the meetings of the Security Council, the resolution was adopted without any difficulty. It called upon the U. N. member states to furnish such assistance to the Republic of Korea as might be necessary to repel the armed attack. Several states sent material supplies and some sent military aid. The burden of the war, however, fell upon the U. S. A. which was prepared for it.¹ The war was fought mostly with American money, American war materials and American forces. India supplied a medical corps.

This war is often called a U. N. war and is regarded as an excellent example of the success of collective security. The fact of the matter is that it was a U. S. war with U. N. blessing. For the present purpose it is not necessary to go into the details of the war. When the U. N. forces had organized themselves and begun to take the offensive, Jawaharlal Nehru pleaded with them not to push the war beyond 38° parallel. But General MacArthur, the commander of the unified command under the U. N. flag, would not listen to it. He was deter-

1. The U. S. armed forces had moved in anticipation of the N. Korean attack as early as the 23rd June and formally instituted a blockade of the Korean coast of the Yellow Sea on the 27th June, while cordoning off the island of Formosa with the Seventh Fleet as early as the 24th June.

mined to push the war not only as far as the Yalu river dividing Korea from Manchuria, but even into Manchuria itself which he considered was the source of military and material supply. He was not prepared to regard Manchuria as a "sanctuary".

By now the Chinese Communists had jumped into the fray, fearing that their own safety was at stake. As soon as the war commenced, President Truman had sent the Seventh Fleet to the Chinese waters to neutralize Formosa and to prevent the Chinese Communists attacking the Nationalists or *vice versa*. This act was very much resented by the Communists as an unwarranted interference in their domestic affairs. The war became an ideological war between the forces of "communism and Asian nationalism" on the one side and "western democracy and colonialism" on the other. Countries in Asia which were both anti-communist and anti-colonial were placed in a strange dilemma.

In this situation India tried to play the role of a mediator and peacemaker. Partly as a result of her persuasion, the People's Republic of China was invited to send its delegation to the U. N. to work out a solution. But the delegation was adamant and overbearing and minced no words in naming the U. S. A. an aggressor in Korea and Taiwan (Formosa). The U. S. paid back the compliment and manoeuvred to get enough members to support her resolution that China was an aggressor. This drove the iron into China's soul and made a peaceful settlement of the issue almost impossible.

After fighting for a whole year when the war had come to a stalemate, the parties were willing to accept a cease-fire agreement worked out by a U. N. Committee on which were represented India, Canada, and the President of the Assembly. India, Egypt, Burma, etc. threw their weight on the side of a negotiated peace which was difficult for some of the U. N. members to accept. However, it was done.

Truce negotiations under the U. N. auspices commenced on the 25th October, 1951 at Pan Mun Jom and the Korean armistice was signed on the 27th July, 1953. The chief stumbling block in the way was the question of the repatriation of prisoners of war. The Communist view was that they should be compulsorily sent back to their respective countries, while the U. S. particularly contended that no one should be sent back to his own country or part of his own country against his wishes which would be a flagrant violation of a fundamental human right. This matter was finally settled, thanks to the helpful part played by India. A Neutral Nations Supervisory Com-

mission and a Neutral Nations Repatriation Commission and other such bodies were set up to see to it that the terms of the armistice were faithfully carried out. General Thimmayya and the Indian Custodian Force performed a most valuable service in the repatriation of prisoners and the maintenance of armistice in spite of the many difficulties presented by Dr. Syngman Rhee such as the releasing of 25,000 N. Korean prisoners behind the back of the U. N. when the question of repatriation was being hammered out. An important contribution to international law and fundamental rights made by the repatriation issue in Korea is that a government cannot compel a person to return to his country if he does not want to, even though he may have been fighting for his country.

Twenty years have lapsed since the armistice was concluded and Korea is not yet a unified country. Syngman Rhee from time to time threatened to restart the war, but the U. S. A. kept him in check. He is now out of power and driven out of his own country. N. Korea is more or less communist-dominated.

(4) *The Kashmir Question.* This has been one of the most difficult questions which the U. N. has had to face and still remains unsolved. When India attained her freedom in 1947, the State of Jammu and Kashmir ruled by an Indian Maharaja was given the right to accede either to India or Pakistan, with a standstill agreement until final settlement was reached. But on January 1, 1948 India notified the Security Council that a threat to international peace was being presented by intensive fighting within Kashmir caused by the frontier tribesmen and others with the connivance of Pakistan. India in the meantime accepted the request of the Maharaja of Kashmir to accede to India and sent her troops to repel the invaders on the understanding that once normal conditions were restored the people of the State should decide their future status by a free plebiscite.

India alleged that Pakistan was guilty of aggression in assisting the invaders and herself taking part in the aggression through the supply of arms, trucks, and petrol, and through Pakistani nationals taking part in the invasion. Pakistan denied the charge and in turn claimed that she had done everything short of war to discourage the tribal movement and declared that the accession to India was illegal. Both India and Pakistan agreed that the situation between them might lead to a breach of international peace.

To help solve this tangle the Security Council established on January 20, 1948 a Mediation Commission of three members to start

with, and two others were added afterwards. After many meetings of the Council and numerous private consultations between Indian and Pakistani delegations, the Council adopted a resolution calling upon the parties to stop fighting and prepare the way for the conduct of a fair and impartial plebiscite. To carry out these measures the U.N. Commission was instructed "to proceed at once to the Indian sub-continent and there place its good offices and mediation at the disposal of the governments of India and Pakistan."

The Commission set to work and called on both governments on August, 13, 1948 to issue cease-fire orders at the earliest possible date and to accept certain principles as the basis of agreement. These principles were (1) that Pakistan was to withdraw her recently stationed troops in the state and do her best to secure the withdrawal of foreign tribesmen and Pakistani nationals not normally resident in Kashmir; (2) that as the territory was evacuated it was to be administered by the local authorities under the close supervision of the Commission; (3) that when the Commission notified India that Pakistan was complying with these terms India was to withdraw the bulk of its forces in stages to be agreed upon with the Commission; and (4) that pending the acceptance of conditions for final settlement the Indian government was to maintain within the lines existing at the moment of cease-fire those forces considered necessary to assist the local authorities in observing law and order.

Pakistan informed the Commission that it could not accept the resolution without certain reservations, especially in relation to the organization of plebiscite. After a good deal of delay and considerable negotiations, agreement was reached for the appointment of a U.N. plebiscite administrator and for cease-fire which commenced on January 1, 1949. The U.N. Commission thereupon appointed observers from the various nations to report on the observance of the cease-fire agreement.

Fleet Admiral Chester W. Nimitz of the U. S. A. was nominated the Plebiscite Administrator and was to be formally appointed by the government of Jammu and Kashmir. Because of the serious difference of opinion between India and Pakistan with regard to the terms of the plebiscite the Administrator could not function and months later he resigned his appointment.

The Commission reported to the Security Council that effective mediation could no longer be continued and recommended that the Council designate an individual rather than a five-member body to

bring the two governments together on all unsolved issues. A programme was chalked out by the Council for the withdrawal of troops and Sir Owen Dixon of Australia was appointed the U. N. representative to assist in the realization of the programme. But even he could not succeed, the difference of opinion being over the issue of demilitarization and on preparation for holding the plebiscite. However, one of the admissions he obtained from Pakistan was that the war in Kashmir was started with the active help of Pakistan government. He proposed a partition of Kashmir, according to which the portion occupied by the Pakistani and Azad forces was to go to Pakistan, that occupied by the Indian and state forces was to go to India, and that a plebiscite was to be held for the limited area of the Vale of Kashmir. Even this was not acceptable to Pakistan and Dixon relinquished his post.

Dr. Frank Graham of the U. S. A. was the next U. N. representative. He visited Kashmir, India and Pakistan more than once and laboriously worked out schemes for the withdrawal of troops and the maintenance of proportionate numbers of Indian and Pakistani troops within Kashmir for the conduct of an honest plebiscite. The final numbers he proposed were 6,000 for Pakistan and 18,000 for India. But even he could not succeed. The only points on which agreement could be reached were the decisions of both countries not to resort to war ; not to make war-like statements ; not to violate the cease-fire agreement ; and to decide the question of Kashmir's accession through a free and impartial plebiscite under U. N. auspices.

In the course of the conflict the State Government of Jammu and Kashmir as against the Azad government owing allegiance to Pakistan has pledged its adherence to India through its constituent assembly. This decision has been reiterated more than once by the duly elected legislature of Kashmir.

When both Sir Owen and Dr. Graham failed, it was suggested that India and Pakistan should settle the question by direct negotiation. At another stage it was urged that recourse should be had to arbitration, but this was not acceptable to India. The result is a stalemate. What makes the situation worse is the Big Power interest in Kashmir. The U. S. A. and the U. K. have been much interested in this area for military and strategic reasons. So is Russia. During their visit to India Bulganin and Khrushchev (1955-56) declared that they recognized the accession of Kashmir to India as final and irrevocable. The western powers (the U.S., U.K. & France),

the first half of the twentieth century. The idealist writers do not regard him as a political philosopher because he was not a system-builder like the philosophers of the old school. He did not consider political philosophy as a static system consisting of some *a priori* and rationalistic concepts. He regarded political theory as constantly evolving and developing out of political practice. If Laski failed to produce a dogma-ridden conception of political rationalism, he succeeded nevertheless in collecting a large amount of empirical material to explain and interpret 'the crisis in the theory of the state' (47 : *introductory Ch.*). In view of his emphasis on the scientific method in politics, he may be more legitimately called a political scientist rather than a political philosopher in the old rationalistic sense.

A Philosopher of the Age of Transition :

It has been rightly said that the modern epoch is essentially an epoch of transition in the history of our civilization. The twentieth century represents an important turning-point in the cultural and political history of the human race. The world, which began with the French and American revolutions of the eighteenth century, is drawing to an abrupt close. Political democracy, capitalism and nationalism were the distinguishing features of the old world. A new world is now arising before our very eyes and the Russian and Chinese revolutions are its leading symbols. Economic democracy, socialism and internationalism are the significant watch-words for the new world. Laski is essentially a political philosopher of this age of transition, whose sympathies are unmistakably with the protagonists and builders of the new civilization.

A Comparison with Rousseau :

The political theories of Laski and Rousseau may be compared in one significant respect. Both of them contain brilliant polemics of the abuses of the system in which they lived respectively. Both of them are on sure grounds in what they have to deny. But both are equally wavering in what they have to affirm.¹ Rousseau was right in denouncing the corrupt monarchy of France but he did not realize

1. See George Catlin's remarks in this connection in "The Story of Political Philosophers", Chapter XX, p. 663. He says, "Laski is becoming the modern Rousseau, as sensitive as the original".

that the only remedy was to overthrow it by a revolution and establish a democratic republic in its place. Laski is quite justified in attacking the system of capitalist democracy, which leads to imperialism and war, but he is unable to foresee that its end can only be brought about by a revolutionary overthrow of the existing capitalist regimes in imperialist countries and the triumph of national liberation movements in the colonies.

Peaceful Political and Social Change :

Laski, therefore, believes in the peaceful transformation of capitalism into socialism with the help of a parliamentary socialist party and the peaceful abrogation of imperialism by the action of an international organization like the League of Nations (47 : 295-228 and 589-624). The course of historical events both before and after Laski's death has falsified his conclusions in both these respects. But this does not minimize the value of his contribution to those aspects of political theory, which deal with the interpretation of the political institutions of the modern state, or try to discover the meaning of the philosophies of the representative political thinkers of the past or present.

The Pluralistic Phase of Laski's Thought :

During his first pluralistic phase, Laski's main pre-occupation is with the problem of the status and privileges of particular social groups in the organized political community. His significant contribution to political theory at this stage is a critical review of the varied aspects of the doctrine of sovereignty as developed by many political thinkers from Bodin to Austin. In "The Problem of Sovereignty" Laski has made a strong plea for religious freedom, which can be secured only by allowing autonomous functioning of all religious sects and denominations and by keeping the state aloof from any sectarian connection implying thereby a preferential treatment of a particular sect.¹ Laski has been a consistent critic of the patronage that the state exercises in relation to the Anglican Church of England.

Sovereignty as a Doctrine of Crisis :

In "The Foundations of Sovereignty" he traced the historical evolution of the doctrine of sovereignty and came to a significant

1. Laski : "The Problem of Sovereignty", Chapters II, III and IV: pp. 10-51, 88-112, 126-185.

conclusion that it was essentially a doctrine of crisis. The feudal and religious conflicts of the sixteenth century had produced it and the subsequent extension of those conflicts to the later centuries further consolidated it (129 : 232-249).

Wider Problem of Political Authority :

In his "Authority in the Modern State", Laski attempted a discussion of the wider problem of political authority. He examined the political assumptions of certain post-revolutionary French thinkers like de Bonald and Lamennais and concluded that the modern sovereign state was as great a danger to human freedom as the papal authority had been before its power was challenged by the leaders of the Reformation. He developed a federalistic conception of political authority, which implied the diffusion of political power and responsibility on innumerable peripheral points rather than concentrating it on a single centre (122 : 4-89).

Suspicion of the Monistic State :

It is not generally known but it is a fact that Laski retained his suspicion of the monistic state even during the latest Marxian phase of his political thought. Just before his death in 1949, he wrote, "I confess to a frank fear of what I used to call the "monistic" state; the fashionable phrase of the moment is "monolithic". The consequence is in a high degree evil. By concentrating power in a very few hands it reduces the ordinary citizen to the position of an instrument serving one and he is decreasingly permitted to define and increasingly commanded to applaud, with the knowledge, on his part, that if he is silent, or, still more, if he is critical, he will be regarded at best as a person upon whose loyalty no reliance can be placed" (134 : 42). Laski's insistent demand for a wide dispersal of political and economic power in the society has been one of his most distinctive contributions to modern political theory.

Laski's Uncompromising Individualism in Thought and Action :

Besides being a zealous supporter of the autonomy of social groups, Laski has also been a consistent believer in the dignity of human personality. He was temperamentally an uncompromising individualist in thought and action. His arguments show a subjectivistic bias at every point. In the committees of the Labour Party, he usually remained an isolated intellectual, who often found himself as

the lone supporter of his theories (145 : 98-113, 156-162, 169-174, 181-192 and 206-219). Even when he accepted the broad details of the Marxian analysis of society, he remained opposed to the Leninist theory of proletarian dictatorship, which would have denied an intellectual like Laski to give free reins to his intelligence. He put a great emphasis on the value of human personality as the creator of a free society (49 : 122-160).

The Dangers of Obedience :

In "The Dangers of Obedience", he contended that the individual must consult his conscience before deciding to obey or disobey the particular command of the sovereign. The state, which insists upon an unquestioning obedience to its orders by its citizens, reduces them to the status of moral slaves (125 : 2-30).

Rejection of Hegel's Conception of Freedom :

In "A Grammar of Politics", he defined liberty as absence of restraints and criticized the Hegelian conception of freedom as a dialectical fraud, which equated slavery with freedom. He suggested certain checks upon the unlimited right of property only because he wanted to universalize the enjoyment of liberty. Even the goal of his socialist reform is to secure better conditions for the cultivation of human personality. He was interested in bringing about that egalitarian society in which the full and free development of every individual constitutes the guiding principle of social policy (47 : 215-217).

A Plea for Equality and Liberty :

In "The Danger of Being a Gentleman" he criticized the inequalitarian society of the present day precisely because it prevents a great majority of the people from securing the material foundations of a spiritually enriched life (124 : 13-32). In his "Liberty in the Modern State", Laski revived some of the well-known dogmas, which Mill stated in his essay "On Liberty" and discussed them in the context of an international situation, when the success of fascism was posing a serious danger to the ideal of freedom in all countries. He always remained a consistent champion of human freedom in all its variegated aspects (49 : 13-47).

Laski's Monumental Work on Political Theory :

While his earlier works were fragmentary in nature and dealt with

POLITICAL PHILOSOPHY OF LASKI

Versatile Genius of Laski :

Harold Laski is widely known to the intelligentsia particularly in India and the English-speaking world as a teacher of established repute, as a prolific writer of political literature, as an iconoclast in political philosophy and, finally, as a partisan of the Labour Party politics in England.¹ He was indeed a man of versatile genius, tastes and activity. He is interesting to us not only as a political thinker but also as a man because he always combined his theory with practice. His political thought is vital because it is never divorced from life. It will not be far from truth to observe that Laski lived his principles.²

The contemporary generation remembers Laski in a number of ways. In the first place there are not a few fortunate individuals who came into personal contact with him either as his colleagues or as his pupils. The pupils of Professor Laski can be found in different parts of the world. They have wellnigh developed a Laski legend that pictures him as a professor-saint who taught socialism with a religious passion in the London School of Economics.³ There is, however, an insignificant minority that indulges in a cult of violent criticism of Laski. Even this minority concedes the great personal qualities of Laski both as a teacher and as a man. His profound sociableness,

1. See the Laski Memorial Issue of the "Clare Market Review" (July 1950) for some biographical articles on Laski.

2. Bill Balfour writes about Laski : "The impact of his personality was great, both on the fledgling fresh from school and the ex-serviceman cynical from war. The former saw, perhaps for the first time, a man who linked theory with practice; the latter, after years of obedience and "turning the blind eye", saw a man leapt to action at the whiff of injustice." (Clare Market Review, July, 1950, p. 31).

3. Bill Balfour says : "Many people knew Harold Laski as a socialist without knowing that he was a professor. The reverse was never the case. His standpoint was clear from the opening words of one of his addresses to new students; 'I am a socialist and I shall preach socialism, though from time to time I shall prescribe other books as an antidote to my poison'." (Ibid.).

Laski as a Progressive Journalist :

Evidently, Laski lived a busy life both in the committees of the Labour Party and the London School of Economics. Besides, he regularly contributed articles to various magazines and papers¹ which together constitute a political literature of immense value for the contemporary generation. He wrote articles on legal, political and economic topics of the day, which were published in various liberal and progressive magazines and papers in England and America. Most of these articles have been written when he had already adopted a Marxist view of society and politics. They are written in a popular style and are meant mainly for the consumption of the masses and labour intelligentsia. Their theme is usually applied socialism or criticism of the existing social order.

Probably no single writer in England and America has attacked the foundations of the capitalistic system from as many directions as Laski did. He wrote some of his most inspiring essays between 1934 and 1939 when the Socialists and Communists had combined in a mighty united front to oppose the menace of fascism in Europe. This was the era of the Left Book Club and the Popular Front when Laski lived some of the most excited moments of his life. He could not recapture the exultant mood and intellectual optimism of those years in the rest of his life.²

A Great Political Thinker of the Twentieth Century :

It is possible that Laski's name as a teacher, journalist or practical politician may not survive long. But there is no doubt that his fame rests on a securer foundation for he is also one of the greatest political philosophers that the English-speaking world has produced during

1. Some important journals in which Laski's articles were published are as follows: (1) The Century Magazine, (2) The Yale Review, (3) The Quarterly Review (London) (4) Harper's Magazine.

2. Norman Mackenzie writes: He reached the climax of both his academic and political careers in the years of the Left Book Club and the Popular Front, symbols of a sweep of sentiment which he helped substantially to create. The war years, and what came after, were both an anticlimax and a political disappointment to him. His social analysis and his political inclinations were best suited to the years when Franco was outside Madrid and Munich was in the making. When he died he was still searching for some way of adjusting them to a world under the shadow of a third world war whose general character seemed like the catastrophe he had always foreseen and hoped to avert." ("Clare Market Review", July, 1950, p. 41).

only some selected aspects of political theory, he made his first monumental effort to interpret the political problems of the modern age in a comprehensive way in his much publicized "A Grammar of Politics", which still remains the most outstanding contribution to political theory of any single author in the twentieth century. He rejected both *laissez faire* individualism and conservative idealism as the basis of politics and regarded the progressive liberalism of Hobhouse and the reformist collectivism of the Fabians as imperfect solutions of the problems of the industrial age (45 : iii-xvii).

Laski's main contribution to political theory at this stage was his criticism of the theory of the general will, a pragmatic theory of government, a federalistic conception of political authority, and a socialistic approach to industrial problems. He regarded the general will as a fiction existing in the brain of an idealist philosopher and pointed out that society exhibits a multiplicity of wills. He also declared that the doctrinal implications of the general will were dangerous to individual freedom.

A Pragmatic Theory of State and Government :

He took a pragmatic view of the state and government and concluded that it is only a set of persons exercising political authority without any *a priori* claim to receive the obedience of its subjects (45 : 17-35). The only way to safeguard the freedom of the common people is to decentralize the bases of political and economic power in the community. Our representative institutions should be so organized as to secure greater participation of the people and affected interests in the administrative and industrial processes. Laski demands greater democracy in the political and industrial fields so that the existing perversion of our political and economic institutions in the interests of the class of property-owners may be effectively checked (45 : 438-488).

Interest in Proudhon and Fabian Socialism :

Together with Sidney Webb, Bernard Shaw and G.D.R. Cole, Laski was one of the chief exponents of Fabian Socialism in England. He had also taken a keen interest in Proudhonism and the French syndicalist movement at this stage but his political theory was little influenced by the Marxian tradition as represented by the post-revolutionary Russian theoreticians.¹ He regarded Marx as a bad

1. Quoted by George Catlin in hi. "Story of the Political Philosophers", on page 659.

economist and an equally bad philosopher, whose ill-assorted ideas had only a crude propaganda value for the working-class agitators. In his brief Fabian pamphlet, "Karl Marx", Laski declared Marxism as incompatible with democracy.

Laski as a Critic of Marxism :

As he wrote, "There is no room in Marx's thought, save perhaps as an ultimate, for any democratic system. Revolution opposes counter-revolution, and a reign of terror is the path to triumph..... Once a really vital point is touched by the workers' demands, they are met by armed resistance. That means, of course, that only by conscious violent intervention can communism be realized. The proletariat must seize a propitious moment for the revolution."¹ In "Communism" Laski elaborated the same line of argument, when he declared that communism was a new religion, pointed out that its success in Russia was an outcome of the exceptional circumstances prevailing in that country, and concluded that the insurrectionary tactics of the communists were bound to serve the strategy of fascism (123 : 223-251).

Laski's Libertarian Socialism :

In his essay entitled "Socialism and Freedom" Laski categorically stated in a true Fabian fashion that the true socialism is a libertarian, and not an authoritarian, doctrine. He declared that freedom and equality are inseparable from one another and socialism aims to combine these two principles in practice. Laski's ideas are at this stage a curious mixture of ethical individualism, political pluralism and economic collectivism. But this unsteady combination of contradictory ideas could not endure indefinitely. The beginning of the great depression, the Japanese attack on Manchuria, and the rise of Hitlerism in Germany provided new food for thought to Laski, which compelled him to revise some of his earlier views of politics and society (145 : 83-91):

Laski on the Crisis in Capitalist Democracy :

As a consequence of these developments, Laski had to renounce his Fabianism and adopt a far more conciliatory attitude towards the

1. Quoted by George Catlin in his "Story of the Political Philosophers", on page 659.

Marxian doctrine, which he had so vigorously fought against in the past. In his "Democracy in Crisis" he rejected the gradualist thesis of Fabianism and suggested a modification in the working of parliamentary institutions in England. He thought that the attainment of power by a genuine socialist party even in the normal electoral fashion is bound to bring about a radical change in the assumptions of a parliamentary system (126 : 67-99).

Socialist Government and Institutional Changes :

A socialist government, if it wanted to put its programme into practice, could not accept the existing forms of procedure. It must exercise a wide range of authority and secure rapid socialist legislation by means of ordinances and decrees. It must repudiate the traditional toleration of a formal opposition in the House of Commons. It must abolish the House of Lords as a constitutional anachronism. It must reform the bureaucracy and the judiciary, which at present work as the allies of capitalism. In other words, Laski has now come very close to the vanguard theory of the Marxian dictatorship (126 : 30-66). It may be pointed out here that the British Labour Party did not act according to Laski's expectations. The post-war history of its rule amply proves that it has refused to convert itself into an instrument of proletarian dictatorship as a revolutionary vanguard of the working-class of England.

The State No Longer Considered Neutral in Class Conflict :

This attempt to analyse the crisis of democracy led Laski to revise his fundamental assumptions about the nature and development of the state. In "The State in Theory and Practice" he reinterpreted the nature and functions of the state on a Marxian basis. He has now finally rejected the classical view of the state as a neutral force in the community and definitely affirms that every state possesses a class bias (50 : 104).

The Idealist Thesis of National Unity Denied :

In the first place, this view rejects the liberal and idealist thesis about the fundamental purposive unity of the national community. The class, and not the nation, now becomes the centre of his political thought. The key to political understanding lies in the class relations of a particular society. Imperialism, fascism, capitalist democracy and Communism are alike judged on the basis of the underlying

class interests that they represent. The state, both in its internal policies and external relations, remains the political instrument of the particular class that owns the means of production in that country (50 : 139).

HISTORICAL EVOLUTION OF THE LIBERAL IDEOLOGY

In "The Rise of European Liberalism" he traced the historical evolution of the theory and practice of Liberalism and interpreted this evolution in economic terms. He concluded that the changes in the political theory and practice of Liberalism were conditioned by the economic exigencies of the different phases of capitalism. In this way, he substantiated his thesis about the class character of the modern liberal state by examining its historical background (132:17-29). Finally, he concluded that the philosophy of liberalism has now entered into a phase of decline on account of the developing crisis and contradictions of the capitalist system. The only philosophy, which can take its place now, is the philosophy of socialism (132:224-236).

Laski as a Critic of British Parliamentary System :

In the realm of constitutional theory, Laski has bequeathed to us two monumental works entitled "Parliamentary Government in England", which is a critical commentary upon the British constitution, and "The American Democracy", which is probably the most comprehensive survey of the American democracy in action ever undertaken by any single writer. In his analysis of the parliamentary system as it works in England, he has reached certain remarkable conclusions. In the first place, he declares that the existence of monarchy even in the present form is inconsistent with the true spirit of democratic equality. Moreover, the influence of the monarch in any constitutional crisis or emergency is bound to be exerted on the side of reaction as typified by the resignation of the MacDonald government in 1931 and an immediate formation of a reactionary national coalition in its place (130:396-417). Similarly, he proposes abolition of the House of Lords and considers a hereditary second chamber as inconsistent with a genuinely democratic system.

A Plea for a Strong Cabinet Government :

He is thus visualizing the creation of a strong cabinet effectively controlling the House of Commons bringing about the socialist trans-

formation of the British society through legislative decrees and immediate administrative action. The reactionary checks like the discretion of the monarch in forcing untimely plebiscites and the power of a second chamber to delay legislation should be removed (130:221-280). Criticising his proposal, George Catlin remarks that this constitutional thesis is only superficially non-monarchical and democratic. In fact, it implies a belief in the government of a veiled socialistic dictatorship, which does not recognize any checks upon its power whether by the constitution, judiciary, a second chamber or an electoral referendum (92:669).

Laski Opposed to the Theory of Checks and Balances :

Laski has made similar observations about the working of the American constitution. In "The American Presidency" he analysed the nature of the working of the Presidential government in the U.S.A. and concluded that the system of checks and balances is not conducive to real efficiency in Government. The fathers of the American constitution had designed it to suit the needs of a social structure based upon the ideals of *laissez faire* but these ideals have now become quite irrelevant in the present context of the worldwide vogue of positive government (121:79-117).

Laski as a Critic of the American Political System.

In "The American Democracy" he examined other political institutions through which the democracy in America operates and also discussed the impact of the social, economic and cultural environment upon its functioning. He declared that the spectacle of the separation of powers was really a spectacle of confusion of powers and the pattern of division of powers between the federal and state governments had become obsolete in the context of modern developments (121:72-137). The difficulties, which President Roosevelt faced in the realization of his New Deal Programme, showed clearly how the American political system was designed to serve the interests of reaction. He regarded the Supreme Court's veto over legislation as undemocratic and pleaded for the full legislative sovereignty of the Congress on a British pattern. Similarly, he pleaded for a strengthening of the Presidential office and proposed devices for a closer co-operation between the legislative and executive wings of Government.

Laski's Prediction about Developments in America.

Laski also assails the party system of America, which he regards as corrupt and antiquated and laments the fact that a socialist party has not yet developed in the United States (121:214-224). He foresees two alternative lines of development for the capitalist democracy in America. It must either renounce its capitalist character and become a socialist democracy or choose the second alternative of dissolving democracy internally and seek the solution of its economic crisis in aggressive imperialism abroad. The post-war policy of the American government typified by its aggression in Viet Nam shows that it has chosen the second of Laski's alternatives (121:552-563).¹

Revolution and Counter-revolution:

From the point of view of Laski's contribution to political theory, the significance of his "Reflections on the Revolution of Our Time" cannot be ignored. In this book he has surveyed the whole international scene and critically examined the nature of all political systems struggling for supremacy in the modern world. The most significant point is that he has interpreted the political forces of the world in a dialectical way. It is a description of the world political scene in terms of revolution and counter-revolution (131:252-304).

A Period of Revolutionary Change:

He thinks that our civilization is passing through a period of revolutionary change with an accompanying process of conflict and disintegration. While there are certain elements and forces actively working for the culmination of this revolutionary process, there are at the same time other elements and forces trying their best to delay or prevent the final victory of the revolutionary ideal. The conflicts between religion and science, between imperialism and the right of national self-determination, between fascism and democracy, or between capitalism and socialism are regarded by Laski as so many aspects of the international struggle between reaction and revolution (131:9-10).

1. In "The Dilemma of Our Times" on page 109, Laski says "The Truman doctrine, as soon as it is seriously applied, means the endowment with American strength of all the interests which seek to prevent the working-class from winning its place in the sun. That is why American aid is given to what is, in essence, a middle-class government in France, a middle-class and near-fascist government in Greece."

Contrast between Communism and Fascism:

In spite of his criticism of doctrinaire communism and condemnation of some aspects of the Soviet domestic and foreign policies, he regards the Russian Revolution as a progressive force in our epoch and thinks that the Soviet Union definitely stands on the side of revolutionary forces in the world. On the other hand, he regards fascism as an embodiment of the counter-revolutionary idea in every way. Its racial arrogance, its militarist dictatorship, its suppression of democracy, its concentration camps and mass lynchings, its gangster diplomacy, its aggressive imperialism and its misuse of science for destructive purpose make fascism an utterly detestable creed of irrationalism (131 : 86-127).

Imperialism and Fascism as Forces of Counter-revolution:

But he is careful enough to point out that British imperialism in India or the colonial domination of Africa by the capitalist democracies of Europe should be equally regarded as a counter-revolutionary force like fascism which differs from the former only in degree and not in kind. He emphatically says that the forces of counter-revolution are deeply rooted in the inner structures of capitalist democracies themselves. He thinks that the appeasement policy, which the capitalist democracies of Western Europe pursued in relation to the Nazis, and the subsequent co-operation of the European quislings with Hitler showed the depth of the counter-revolution entrenched in the political life of the capitalist democracies (131 : 162-204).

The United Front of Liberals, Socialists and Communists:

The revolutionary camp of the world consists of the anti-fascists and anti-imperialists of all countries, which includes liberal democrats, socialists and Communists of different countries. Laski thinks that the defeat of counter-revolution will not be achieved by the defeat of Hitler and his allies in the battle field. In fact he regards the achievement of democracy and socialism on an international scale as synonymous with the final defeat of the counter-revolution (131 : 205 : 251).¹

1. In his "Faith, Reason and Civilization" Laski warned, "The Axis powers are already on the way to defeat both decisive and overwhelming. But there remains for us a greater issue of seeing to it that in their defeat there is involved also the destruction of the counter-revolution for which they stand. Our victory will be thrown away unless we devote it to great ends." (Chapter I, pp. 10-11).

LASKI'S DILEMMA AND DISAPPOINTMENT

In "The Dilemma of Our Times", which is a posthumous publication, he revised some of his opinions expressed in his "Reflections on the Revolution of Our Time" because he was disillusioned by the post-war policies of the governments of the Soviet Union as well as of the United States and even the Labour regime in England did not work according to his expectations (127:13-17 and 43-51). Laski had optimistically believed that the war-time collaboration between the Soviet Union and the capitalist democracies would result in a peace-time alliance between them for the achievement of democracy and socialism on an international scale.

Laski's Hopes about Russia, America and England :

Given an atmosphere of external security, the Soviet Union would democratize its political system because Laski did not see any inherent contradiction between Marxian socialism and political democracy. Similarly, he expected the growth of a powerful socialist movement in the United States bringing about the extension of the democratic principle in industrial relations. He also hoped that the post-war left-wing governments in Western Europe would be able to establish a socialistic order in their countries and act as a balancing third force between Communist Russia on the one hand and conservative America on the other (145:182-205).¹

In the magnanimous grant of self-government to India by the Labour government, Laski foresaw the possibility of peaceful liquidation of the colonial system but he was disappointed to find that the example of India could not be extended to some other colonies in his life time. All these facts and trends of the world politics led Laski to restate his earlier thesis, which he had developed in an optimistic atmosphere of the war-time co-operation between Russia and the capitalist countries.²

No Liberalisation of Soviet Dictatorship :

The post-war events refuted most of the optimistic prophecies of Laski and confirmed his pessimistic forebodings. Contrary to Laski's

1. Kingsley Martin: "Harold Laski: A Biographical Memoir", Chapter IX, pp. 182-205.

2. See R.T. Clark's comment in his Foreword to "The Dilemma of Our Times", who edited this posthumous work of Laski.

hopes, the Russian leaders did not liberalize their political dictatorship, extended the same system of government to the People's Democracies of Eastern Europe, refused cooperation in a general plan of European recovery, directed the Communist parties of Western Europe to bring about the breakdown of national economies of those countries, and disrupted the war-time unity of the Allies by every sort of diplomatic provocation (127 : 253-261).

America's Reactionary Policies :

Similarly, the ruling circles in the United States discarded the New Deal liberalism of President Roosevelt, propagated and developed a morbid fear of Communism, started a very deplorable witch-hunting of liberal and progressive intellectuals in the country, pursued a very reactionary foreign policy in Greece, the Middle East, China and Japan, prevented the left-wing governments of Europe from embarking upon a real socialist programme in their countries, and adopted finally a policy of economic imperialism and military encirclement of the Soviet Union (127:258-266).

European Socialists Fail to Develop as a Third Force:

The Labour Government of England and the socialist parties of the continent similarly failed to act as a balancing third force between Russia and America because they merely supported the American line in foreign policy, which aimed at isolating Russia diplomatically by refusing to make any sincere effort for enlisting Russian co-operation in the reorganization of the post-war world. Laski desired that the socialists of Western Europe should not work as the allies of America in a cold war against Russia but rather evolve an independent policy of their own, acting as a third force for the realization of democracy and socialism (127 : 43-51).¹

Laski as a Critic of the Labour Foreign Policy:

He strongly criticized the foreign policy of the Labour Govern-

1. Laski says, "Despite all his noisy thunder, foreign policy was a realm in which to Mr. Bevin. Mr. Churchill's word was law. The outcome was his choice of a full-blooded alliance with America. the essential plans for which Mr. Churchill drew] and the implementation of which Mr. Churchill really superintended. The Atlantic Security Pact was signed by Mr. Bevin; but Mr. Churchill's was the hand which guided his pen. Despite all Mr. Bevin's claims, the Pact was, in its real roots above all a threat to Russia." ("The Dilemma of Our Times", pp. 44-45).

ment, which he regarded as the continuation of the old Tory policy with all its anti-Soviet bias. He cited as an example the support which the Labour Government extended to a semi-fascist regime in Greece.¹ In this way neither the Russians nor the British and Americans justified Laski's expectations about them in the post-war world. In "The Dilemma of Our Times", he restated his belief in the inseparability of democratic freedom and socialistic equality. He felt that the world was today facing the twin dangers of an atomic war and economic breakdown because the major nations of the world had failed to realize and reconcile the concepts of political liberty and social justice in the institutional patterns adopted by them.

Laski as a Rhetorical Writer :

Laski's political philosophy is at once an interpretation of the existing society and a plea for changing it. He has combined in his approach the functions of a political philosopher and a party agitator. As Kingsley Martin has remarked, "Laski was a rhetorical not a scientific writer. His writing, like his speeches, was effective because it was outspoken, rich in vocabulary and vitality. Sometimes, if he wishes to make a point about, say, the way in which the class structure of society load the constitutional dice against social change, he will pile up illustrations, and repeat, in slightly different form, previous arguments until the reader is too exhausted to formulate any objections. Sometimes one feels . . . that Laski is the most verbose and redundant of writers and that a quarter of the words could be advantageously deleted. At other times one is impressed by a constant brilliance which is rare in political writing (145 : 85-86)."²

Evolution of His Political Philosophy :

His rhetorical style in writing and continuous association with the politics of the Labour Party have led some of his critics to underesti-

1. With characteristic bitterness, Laski told the Labour Party Conference in 1946, "As a Socialist Party, we must regard it as a tragedy, in which our responsibility is grave, that Spain is still crushed beneath the ugly tyranny of Franco. . . . What is true of Spain, is true also of Greece. For us, as Socialists, the return of the King would be a sorry end to the brave struggle of a nation which first taught the world the significance of freedom." (Quoted by Kingsley Martin in his "Harold Laski: A Biographical Memoir", p. 187).

2. Kingsley Martin : "Harold Laski : A Biographical Memoir", Chapter IV, pp. 85-86.

mate his contribution to political philosophy. These critics have misconceived the functions of the political philosopher by restricting them to a contemplative life, which Laski regards as a sign of cowardly escapism from the world of realities. In "Faith, Reason and Civilization", he said about the role of intellectuals in the society, "It was a failure of the Italian intellectuals..... that allowed Mussolini to steal into power. It was the failure of the German intellectuals which permitted Hitler to establish his ugly empire. It was the failure of the French intellectuals, after 1919, which created the conditions out of which France was overthrown in 1940. Let us not deceive ourselves into the belief that the conditions in Britain and the United States are different."¹

Great Intellectual Impact of Laski's Thought :

There is no doubt that Laski's conception of the function of intellectuals was right and he fully applied this conception into his practical life. This explains the secret of his influence over a large group of Europeans, Americans, Asians and Africans who came into personal contact with him in the London School of Economics or understood his philosophy only through his voluminous writings.

As Kingsley Martin says, "when Harold died hundreds of letters of sorrow and gratitude poured in from men and women in positions of influence in England. But more remarkable still was the testimony from every country where young men and women, Asians and Africans as well as Europeans, have been helped by Laski in the struggle for national independence and democratic freedom. In no part of the world did Harold have more influence than India; Krishna Menon, the first High Commissioner in London of free India and one of Harold's most devoted friends and admirers, represents literally hundreds of Indians who as students came under Harold's spell in England. They owed far less to meetings that he eloquently addressed than to the personal talks and tuition with a philosopher who took it for granted that Indians were the equals of Europeans and who also reminded them, when necessary, that they were not necessarily their superiors" (145:263). This is probably the greatest tribute to the living principles of Laski's political philosophy.

1. Quoted by Kingsley Martin in "Harold Laski : A Biographical Memoir", p. 261.

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